

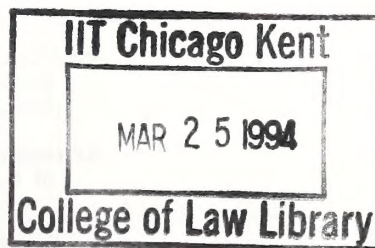
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Illinois Register

Rules of Governmental Agencies

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DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Long Term Care Insurance Partnership Demonstration Program

2) Code Citation: 89 Ill. Adm. Code 260

3) Section Numbers: Proposed Action:

260.100 New Section
260.200 New Section
260.300 New Section
260.400 New Section

- 4) Statutory Authority: Implementing the Partnership for Long-Term Care Act [320 ILCS 35/1 et seq.] and authorized by Section 4.01(1) of the Illinois Act on Aging [20 ILCS 105/4.01(1), (11) and (12); 105/4.02; 105/4.03 and 105/5.02]

- 5) A Complete Description of the Subjects and Issues Involved:

The purpose of this rulemaking is to establish a private-public Long Term Care Insurance Partnership Demonstration Program pursuant to the Partnership for Long-Term Care Act, P.A. 87-163, in which individuals who purchase private long-term care insurance that meets State standards and who sustain extended episodes of chronic illnesses that exhaust all the benefits of their private insurance be eligible for continued care by in-home and community based supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.

Due to the administrative mandate required of the Department on Aging, the Demonstration Program rules promulgated by the Departments of Insurance, Public Aid and Rehabilitation Services have been incorporated by reference in this proposed rulemaking.

The Long Term Care Insurance Partnership Demonstration Program will provide a vehicle whereby individuals can protect their life savings from the catastrophic costs of long term care while expanding markets for Case Coordination Units and increasing flexible funding for in-home and community based services.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- 6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? Yes

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking by writing to Ms. Pamela W. Balmer, Assistant, Office of General Counsel, Illinois Department on Aging, 421 East Capitol #100, Springfield, Illinois 62701-1789 within 45 days after the date of this issue of the Illinois Register.

In addition, the Illinois Department on Aging, in conjunction with the Departments of Insurance, Public Aid and Rehabilitation Services will jointly conduct two PUBLIC HEARINGS on this rulemaking as follows:

DATE: Tuesday, April 12, 1994
TIME: 9:00am until 12:00 noon
LOCATION: Room 161 (Auditorium)
Michael J. Howlett Building
2nd and Edwards Streets
Springfield, Illinois 62756

DATE: Thursday, April 14, 1994
TIME: 1:00pm until 4:00pm
LOCATION: Room 9-040
James R. Thompson Center
100 West Randolph
Chicago, Illinois 60601

If special accommodations/provisions are required, such as a hearing interpreter, please contact the Senior Helpline at 1-800-252-8966 (Voice and TDD), no later than Tuesday, April 5, 1994.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses affected:

Case Coordination Units and Community Care Program in-home and community based service providers.

B) Reporting, bookkeeping or other procedures required for compliance:

Reporting, bookkeeping and other procedures are commensurate with those established under the Community Care Program. However, there will be additional training of Case Coordination Unit supervisors and selected case managers with respect to the assessment criteria and application of the Determination of Need.

C) Types of professional skills required for compliance:

Professional skills are commensurate with those of the Community Care Program.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 260
LONG TERM CARE INSURANCE PARTNERSHIP DEMONSTRATION PROGRAM

SUBPART A: PROGRAM OVERVIEW

Section
260.100

Authority and Purpose

SUBPART B: ELIGIBILITY

260.200

Eligibility Requirements

SUBPART C: APPEALS

260.300

Appeals

SUBPART D: SERVICES

260.400

Scope of Services

AUTHORITY: Implementing the Partnership for Long-Term Care Act [320 ILCS 35/1 et seq.] and authorized by Section 4.01(1) of the Illinois Act on Aging [20 ILCS 105/4.01(1), (11) and (12); 105/4.02; 105/4.03 and 105/5.02].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

NOTE: Bold type denotes statutory language.

SUBPART A: PROGRAM OVERVIEW

Section 260.100 Authority and Purpose

- a) These rules are promulgated to implement the provisions of the Partnership for Long-Term Care Act [320 ILCS 35/1 et seq.]. The Illinois Department on Aging shall administer the provisions of the Act and in so doing incorporates by reference the following. These incorporations by reference include no new amendments or editions made after the original adoption date of this Part.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- 1) Long Term Care Insurance Partnership, 50 Ill. Adm. Code 2018, Illinois Department of Insurance;
- 2) Medical Assistance Programs, 89 Ill. Adm. Code 120.382(a)(3) and 120.386(b), Illinois Department of Public Aid; and,
- 3) Long Term Care Insurance Partnership Demonstration Program, 89 Ill. Adm. Code 688, Illinois Department of Rehabilitation Services.

- b) The purpose of these rules is to establish a private-public Long Term Care Insurance Partnership Demonstration Program in which individuals who purchase private long-term care insurance that meets State standards and who sustain extended episodes of chronic illnesses that exhaust all the benefits of their private insurance be eligible for continued care by in-home supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.

(Source: Adopted at 18 Ill. Reg. _____, effective _____)

SUBPART B: ELIGIBILITY

Section 260.200 Eligibility Requirements

- a) Individuals who are at least 60 years of age and who exhaust all Long-Term Care Insurance Partnership Demonstration Program benefits, shall be considered eligible for the Department on Aging's Community Care Program, as indicated in 89 Ill. Adm. Code 240.610 through 240.875, with the following exceptions:

- 1) Points scored on the Determination of Need (DON) need only be at least 15 points of Part A of the Determination of Need (DON), at least 10 points of which may be earned on the Mini-Mental State Exam (MMSE); and,
- 2) Non-exempt assets shall not exceed the sum of the allowable amount under the Community Care Program as indicated in 89 Ill. Adm. Code 240.810(a), and the amount equal to the qualifying insurance

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

benefit payments made as a result of coverage under a Long Term Care Insurance Partnership Policy as described in 50 Ill. Adm. Code 2018.

- b) All other program eligibility criteria under the Long Term Care Insurance Partnership Demonstration Program has been incorporated by reference in Section 260.100(a)(1) through (3).

(Source: Adopted at 18 Ill. Reg. _____, effective _____)

SUBPART C: APPEALS

Section 260.300 Appeals

- a) All individuals at least 60 years of age have a right to appeal a denial of benefits or a designated Plan of Care under the Long Term Care Insurance Partnership Demonstration Program. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400 through 240.485.

- b) All individuals who apply for coverage under the Long Term Care Insurance Partnership Demonstration Program have a right to appeal a denial of coverage. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400; 240.425(a); 240.430; and 240.435.

- b) All other appeal provisions under the Long Term Care Insurance Partnership Demonstration Program have been incorporated by reference in Section 260.100(a)(1) through (3).

(Source: Adopted at 18 Ill. Reg. _____, effective _____)

SUBPART D: SERVICES

Section 260.400 Scope of Services

- a) All individuals who qualify for the Department on Aging's Community Care Program by having been a recipient of services provided under the Long Term Care Insurance Partnership Demonstration Program, shall receive services as provided through the Demonstration Program at a level not to exceed the maximum payment levels as described in 89 Ill. Adm. Code 240.728 and 240.729.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- b) All other service provisions under the Long Term Care Insurance Partnership Demonstration Program have been incorporated by reference in Section 260.100(a)(1) through (3).

(Source: Adopted at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection

- 2) Code Citation: 8 Ill. Adm. Code 125

- 3) Section Numbers: Proposed Action:
125.100 Amended
125.260 Amended
125.380 Amended

- 4) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

- 5) A Complete Description of the Subjects and Issues Involved:
In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of the Meat and Poultry Inspection Act, the Department is proposing to adopt changes in the federal rules relative to meat and poultry inspection.

"The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations by permitting voluntary nutrition labeling on single-ingredient, raw meat and poultry products, and by establishing mandatory nutrition labeling for all other meat and poultry products, with certain exceptions. FSIS is committed to providing consumers with the most informative labeling system possible. FSIS's nutrition labeling final regulations for meat and poultry products will parallel to the extent possible, as authorized by the Federal Meat Inspection Act and the Poultry Products Inspection Act, FDA's nutrition labeling regulations promulgated under the Nutrition Labeling and Education Act."

"The final rule exempts products from required labeling if annual production of the product is less than 100,000 pounds and the producing firm has 500 or fewer employees."

The FSIS "believes that without the exemption many small businesses would have to close or substantially reduce the variety of products they now offer". (page 632 of the Federal Register, vol. 58, No. 3, Wednesday, January 6, 1993).

The following issues of the Federal Register have complete information regarding these proposed amendments: 58 FR 632 (final rule, January 6, 1993); 58 FR 43787 (corrections, August 18, 1993), 58 FR 47624 (technical amendments, September 10, 1993), and 58 FR 66075 (correction, December 17, 1993).

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

These federal rules are effective July 6, 1994.

- 6) Will this proposed rule replace an emergency rule in effect?:
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes

- 9) Are there any other amendments pending on this Part? Yes,
proposed amendments to Sections 125.260 and 125.380, 17 Ill.
Reg. 18917

- 10) Statement of Statewide Policy Objectives: Rule does not
affect units of local governments.

- 11) Time, Place and Manner in which interested persons can comment
on this proposed rulemaking:

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to the attention of Debbie Wakefield, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rule may have an effect on small meat and poultry processing firms. However, the final rule exempts products from required labeling if annual production of the product is less than 100,000 pounds and the producing firm has 500 or fewer employees.

B) Reporting, bookkeeping or other procedures required for compliance: "This final rule requires manufacturers to maintain records supporting the validity of nutrient information on the labels of meat and poultry products and to make such records available to FSIS upon request. This final rule requires most currently approved labels for all meat and poultry products, except for single-ingredient, raw products, to be revised and submitted to FSIS for approval, which will impact substantially on all such manufacturers. Manufacturers of single-ingredient, raw meat and poultry products opting to use nutrition labeling on the label will also be required to revise their labels and comply with requirements of the mandatory program."

"The final rule also requires that manufacturers desiring to use (1) a new nutrient content claim not currently provided in the regulations, (2) a synonymous term to a term defined by

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

regulation, or (3) an implied nutrient content claim in a brand name, or to amend the table for Product Categories and Reference Amounts, to submit to FSIS a standard labeling application, along with additional supporting information. The supporting information includes statements that (1) identify the term, (2) explain why the term is not false or misleading, (3) set forth the importance of the term and its relation to consumer nutrition or health, and (4) analyze the potential effect of the use of the proposed term on food consumption. The supporting information required to accompany the labeling application is a new paperwork burden being imposed upon manufacturers." (Page 634 of the Federal Register, vol. 58, no. 3, Wednesday, January 6, 1993)

C) Types of professional skills necessary for compliance:
Administrative and clerical skills are needed for compliance.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125
 MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

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125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
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125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective July 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. _____, effective _____; amended at 18 Ill. Reg. _____, effective _____.

Section 125.100 Records and Reports

- a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.175(b)(4), 381.175(b)(5), 381.180(a) and 381.181 (1990); 57 FR 27870, effective July 22, 1992, 57 FR 43588, effective October 21, 1992; 58 FR 41138, effective September 1, 1993; 58 FR 632 and 58 FR 43787, effective July 6, 1994.
- b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.
- c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such retention and the retention period. The Department shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).
- d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.
- e) The Department shall request a licensee to submit an

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evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: amended at 18 Ill. Reg. _____, effective _____)

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.369, 317.380, 317.400 (1990; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41445, effective September 20, 1991; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 58 FR 42188, effective September 8, 1993; 58 FR 38046, effective August 16, 1993; 58 FR 632, 58 FR 43787, 58 FR 47624, and 58 FR 66075, effective July 6, 1994).

- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, par. 101 et seq.) [225 ILCS 470] and

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the rules adopted thereto (8 Ill. Adm. Code 600.120).

- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133

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through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.469, 381.480, 381.500 (1990; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992, 57 FR 43588, effective October 21, 1992; 58 FR 38046, effective August 16, 1993; 58 FR 632, 58 FR 43787, and 58 FR 47624, effective July 6, 1994).

- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield

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office of the Department for approval.

- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department

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for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Consignment of Licenses

2) CODE CITATION: 17 Ill. Adm. Code 2520

3) SECTION NUMBERS: PROPOSED ACTION:

2520.10 Amendments
2520.20 Amendments
2520.30 Amendments
2520.40 Amendments
2520.50 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39) [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Section 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish Code of 1971 Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.221-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120) [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120], and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a35) [20 ILCS 805/63a35]

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Language in this rule is being amended to apply to consignments of stamps as well as consignment of licenses.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

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Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 7, 1994
- B) Types of small businesses affected: Persons selling licenses and stamps.
- C) Reporting, bookkeeping or other procedures required for compliance: Vendors must keep track of licenses and stamps sold and remit the proper fees for such sales. Unsold licenses and stamps must be returned at the end of the year.
- D) Types of professional skills necessary for compliance: No professional skills are required.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2520

CONSIGNMENT OF LICENSES AND STAMPS

Section
2520.10
2520.20
2520.30
2520.40
2520.50

Consignment Requirements
Issuing Licenses and Stamps
Terms
Credit to Vendor Accounts
Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39) [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Section 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish Code of 1971 Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.221-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120) [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120], and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a35) [20 ILCS 805/63a35].

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983, amended at 8 Ill. Reg. 5660, effective April 16, 1984, amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. _____, effective _____.

Section 2520.10

Consignment Requirements

- a) The Department of Conservation (DOC) has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. DOC consigns hunting, fishing, trapping and Ginseng Harvester licenses, and migratory waterfowl, salmon and wildlife conservation stamps, hereinafter referred to as licenses and stamps, for sale by county, city, village, township and incorporated town clerks, upon receipt of their completed application and elected official license vendor contract, and fulfillment of requirements set forth in this Part. The Department also consigns the licenses and stamps to other persons,

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hereinafter referred to as "direct agents", upon receipt of their completed application, license vendor contract, evidence of financial responsibility, and fulfillment of the requirements set forth in this Part. The term "direct agent" means all persons authorized by the Department to sell licenses and stamps other than elected or appointed officials and department employees. License vendors, including employees of the Department selling licenses and stamps, shall collect an issuing fee in addition to the license and stamp fee as provided in Ill. Rev. Stat. 19891991, ch. 56, par. 5-22-20-120 and ch. 61, par. 3.37 1515 ILCS 5/20-120 and 520 ILCS 5/3.37 as follows: 75 cents for each Sportsmen's Combination license and non-resident hunting license, and 50 cents for all other licenses and stamps authorized by the above statutes. All licenses and stamps consigned and fees collected from the sale of licenses and stamps (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses and stamps (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

b) County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses and stamps are liable to the State for all licenses and stamps consigned to their account, including any licenses and stamps furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in Section 2520.10 of the Part. DOC assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

c) All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DOC with evidence of financial responsibility. Such evidence shall be in the form of a surety bond or certificate of deposit, in an amount equal to the value

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of licenses and stamps consigned. Surety bonds shall be on a form furnished by and approved by DOC, with surety or sureties satisfactory to DOC, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses and stamps. No direct agent may appoint sub agents.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.20 Issuing Licenses and Stamps

a) License forms shall be filled out completely, accurately and legibly at the time of issuance, and the full amount shall be collected as shown on the license face. In the case of stamps, the license fee plus the authorized issuing fee shall be collected, if the issuing fee is not shown on the face of the stamp. Vendors shall not back-date or issue an undated license.

b) The application portion of each license shall be retained by the issuing clerk or agent until the license issued expires, except in the case of ~~Non-Resident-Receipt~~ licenses, Trapping licenses, waterfowl stamps, habitat stamps and Ginseng Harvester licenses, for which the completed application must accompany the remittance.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.30 Terms

a) When funds received in payment for licenses and stamps are deposited in an interest bearing account and where fees collected by a vendor are determined to be late to the department according to the remittance schedule in Section 2520.30(c), interest that has accrued through an interest bearing license account on the overdue funds will be remitted to the Department by separate check along with fees collected from the sale of such licenses and stamps.

b) All license vendors shall be required to remit to the Department, according to the schedule in subsection (c) below, all funds received from the sale of licenses and stamps during the previous remittance period except the authorized issuing fee. Vendors having licenses and stamps on hand for sale, but who have sold none during

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the remittance period, shall report this fact to the Department according to the remittance schedule by the use of a "no sales" report, furnished by the Department ~~or some similar notice.~~

c) The remittance schedules are as follows:

1) Schedule I: For vendors having sold licenses and stamps with a value of \$10,000 or more during a prior license year, remittance periods shall be from the 1st through the 15th of each month and the 16th through the last day of each month. Remittance shall be made to the Department no later than the 5th and 20th of each month, for all licenses and stamps sold during the previous remittance period.

2) Schedule II: For vendors having sold licenses and stamps of a value of \$9,999.99 or less during the previous license year, the remittance period shall be each month. Remittance shall be made to the Department no later than the 10th of each month for all licenses and stamps sold during the previous month.

d) Accounts more than one remittance period past due shall have additional license consignments withheld until the account is current. Accounts two remittance periods or more past due will cause the Department to cancel or withdraw the issuance of licenses through such clerks or agents. In the case of secured agents, payment will be demanded from the security company. No installment payment agreements will be accepted by DOC except pursuant to judgment decrees.

e) Within 30 days after the expiration of the time in which any class of license or stamp is usable, the final payment for licenses and stamps sold shall be made in full to the Department, and all unsold or void licenses and stamps shall be returned to the Department. Accounts not closed out within the 30 days specified shall be suspended or terminated, and referred to the agent's bonding company or for action or referral to other agencies for assistance.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 2520.40 Credit to Vendor Accounts

- a) Void or unsold licenses and stamps shall be returned to the Department for credit to the vendor account. Credit for void or unsold licenses and stamps will be allowed only when the original license is returned. The application portion of the license will not be accepted for credit.
- b) Credit to vendor accounts for void licenses and stamps shall be denied if the license or stamp shows signs of use, such as encasement in plastic or other signs of use. The license and permit supervisor is responsible for this determination, and if credit is denied, the Supervisor, License & ~~Regi-~~ Title-Section, shall cause the vendor to be notified of this action.

- c) No person selling licenses and stamps is required to remit for any licenses or stamps stolen by forcible entry or destroyed by a fire in the premises where such licenses and stamps are kept, if he submits an affidavit to the Department describing the circumstances of such theft or cause of such destruction and listing the type and numbers of licenses so destroyed. An official report of such as the fire or theft completed by the appropriate agency (such as the fire department responding to the call or police if a robbery) must also be submitted.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

- a) The Department will issue replacements for lost hunting, fishing, Sportsman's Combination, Ginseng harvester, commercial licenses and permits, trapping licenses and Illinois stamps. A fee of \$3.00 per license or stamp will be charged to defray the cost of handling.
- b) The Department will issue replacements at no cost when the Department loses the sportsman's hunting, fishing, Sportsman's Combination, Ginseng Harvester, or trapping licenses or stamps.
- c) The procedure for obtaining a replacement license or stamp is as follows:

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- 1) Individual loss - The individual requesting the replacement should obtain from the vendor from which the original license or stamp was purchased, a copy (or the original) of the license or stamp application. If the application is unavailable, the individual may obtain an "Application for Replacement License" from any license vendor or the Department. An "Application for Replacement License" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "Application for Replacement License," should then be forwarded with the \$3.00 fee per license or stamp to: Department of Conservation, Replacement License Section, 524 S. Second Street, Springfield, IL 62706. This section will then issue the replacement license and/or stamp(s).

- 2) Department loss - The Department location requesting the replacement should complete on agency letterhead a request for a replacement and forward the request to the Replacement License Section. The request should be completed in triplicate with one copy retained at the location and one copy given to the person whose license and/or stamp(s) were lost. This copy of the request will allow the person to hunt or fish in the interim between receiving a replacement. Information contained in the replacement request letter must include:

- A) date of the letter;
- B) indication that the letter may be used by the person in lieu of a license for up to 30 days from the date on the letter;
- C) Department location requesting the replacement (including address and contact phone number);
- D) the name, complete mailing address, county of residence, date of birth, height, weight, hair color, eye color and daytime phone number of the person receiving the replacement;
- E) indication of what licenses and/or stamps need to be replaced

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- F) the printed or typed names and signatures and the date of signature of the authorized persons at the Department location issuing the replacement letter and the location supervisor.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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1) HEADING OF THE PART: Dove Hunting Season

2) CODE CITATION: 17 Ill. Adm. Code 730

3) SECTION NUMBERS: PROPOSED ACTION:

730.20 Amendments
730.30 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
Amendment include changing hunting hours at sites; opening two new sites, closing one site; changing season dates; changing language regarding use of steel shot; changing language regarding open day of youth hunt; adding language defining where non-toxic shot must be used at 10 Mile Creek; deleting the requirement for display of parking card at 10 Mile Creek.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not

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affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF CONSERVATION
 SUBCHAPTER b: FISH AND WILDLIFE

PART 730
 DOVE HUNTING

Section

730.10 Statewide Regulations
 730.20 Regulations at Various Department-Owned or -Managed Sites
 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

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1) Hunters shall ~~use~~possess only ~~steel~~non-toxic shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Carlyle Lake Wildlife Management Area
 (subimpoundments only)

Chain O'Lakes State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Kaskaskia River State Fish & Wildlife Area
 (designated areas)

Lake Shelbyville Wildlife Management Area
 (waterfowl management units only)

Rend Lake Project Lands and Waters

Sanganois Conservation Area

Shabbona State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (areas posted as refuge on the Eads and Belle Rive Units (Units I & II))

Union County Conservation Area

Wayne Fitzgerald State Recreation Area

2) Hunters shall use only shot size 7 1/2, 8 or 9 lead or 6 steel or smaller on all areas, except as noted under subsection (b)(1).

c) Statewide season regulations as provided for in this rule shall apply at the following areas except that hunting hours at all state sites open at 12:00 Noon daily unless otherwise indicated (exceptions are in parentheses):

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Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

Argyle Lake State Park (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

Banner Marsh State Fish and Wildlife Area (sunrise opening; season dates are September 1 - 30; 12:00 Noon closing September 1 through Labor Day)

Big Bend Conservation Area (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

Big River State Forest (5:00 p.m. September 1 through Labor Day)

Cache River State Natural Area (sunrise opening)

Campbell Pond Wildlife Management Area (5:00 p.m. closing September 1-5; sunrise to sunset thereafter)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (Season dates are September ~~1, 2, 3, 4, 5, 6, 9, 10, 11, 12 only~~ 1-11; only, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Chauncey Marsh (sunrise opening; permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by 15 February)

Clinton Lake State Park (No hunting within 100

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yards of dove management units; in dove management units, hunting hours end at 5:00 p.m. daily September 1-5 and daily quotas are filled by daily drawings)

Crawford County Conservation Area (5:00 p.m. closing, September 1 - Labor Day; sunrise to sunset thereafter)

Des Plaines Conservation Area (Season dates are Saturdays and Sundays during the month of September following the close of the permit dove season; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Dog Island Wildlife Management Area (sunrise opening)

Eldon Hazlet State Park (~~North of Allen Branch and West of Peppenhoe Branch~~ designated areas only; 5:00 p.m. closing September 1 - 14; sunrise to sunset thereafter)

Ferne Clyffe State Park (sunrise opening)

Ft. de Chartres State Historic Site (hunting with muzzle-loading shotgun only; sunrise opening)

Ft. Massac State Park (sunrise opening)

Fox Ridge State Park (Dove Management Units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))

Giant City State Park (5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Green River State Wildlife Area (Lee County Conservation Area) (Season dates are September 6-30 only; sunrise to sunset)

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Hamilton County Conservation Area (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Heidecke Lake State Fish and Wildlife Area (Season dates are September 1 - 5, 5:00 p.m. closing; September 6 - 15 sunset closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)

Hennepin Canal Parkway State Park (Season dates are September 1-5, 5:00 p.m. closing, and on Saturdays, Sundays and Wednesdays from September 6-30)

Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))

Horseshoe Lake Conservation Area - Alexander County (season dates are September 1 through October 15, 5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Horseshoe Lake State Park - Madison County (Season dates are September 1 - 30, 5:00 p.m. closing; sunset closing thereafter)

I-24 Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5 p.m. closing)

Iroquois County Conservation Area (5:00 p.m. closing September 1 - 5; daily quota filled by drawing, DOC back patch required; after September 5, sunset closing; hunting permitted only in designated areas; all hunting must be done within 10 feet of DOC marked sites)

Johnson Sauk Trail State Park (Season dates are September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

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Jubilee College State Park (Season dates are September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

Kankakee River State Park (Season dates are September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first week of season then everyday thereafter; 5:00 p.m. closing September 1 - 7; statewide closing thereafter)

Kickapoo State Park (Hunters must check in and check out)

Kidd Lake State Natural Area (sunrise to sunset)

Kinkaid Lake Fish and Wildlife Area (sunrise opening)

Lake Le-Aqua-Na State Park (Season dates are September 1 - 15; except September 1 through Labor Day, 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; hunting hours are 12 noon to sunset on the rest of the site except no hunting within 300 yards of dove management areas)

Mackinaw River State Fish and Wildlife Area (season dates are September 6 - 30; 5 p.m. closing)

Marseilles Fish and Wildlife Area (Season dates are September 1 through the 1st Thursday after Labor Day, 5:00 p.m. closing; thereafter open Monday through Thursday only and statewide hours apply)

Marshall State Fish and Wildlife Area

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Matthiessen State Park (Season dates are September 1 - 15 only on opening day, holidays, Wednesdays, Saturdays and Sundays; except closed the Saturday and Sunday of Labor Day weekend)

Mazonia State Fish and Wildlife Area (Season dates are September 1 - two weeks before duck season, hunters must check in and check out)

Mermet Lake Conservation Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5:00 p.m. closing; daily hunter quota 30 hunters, filled on a first-come, first-serve basis)

Middle Fork State Fish and Wildlife Area (Hunting permitted in sunflower fields only September 1-15; 5:00 p.m. closing September 1-7, quota filled by daily drawing; sunset closing September 8-15; after September 15 hunting hours are 12 noon to sunset on entire site except that in sunflower fields, hunters must maintain a minimum of 20 yard spacing and hunt from field edges at all times)

Mississippi River Pools 16, 17, 18, 21, 22, 24 (sunrise opening)

Mississippi River Pools 25, 26 (at Red's Landing, Rip Rap Landing, Stump Lake, Hadley Landing, Michael and Calhoun Point, 5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Moraine View State Park (5:00 p.m. closing September 1 - 7; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison Rockwood State Park (season dates are September 1-5; 5:00 p.m. closing September 1 through Labor Day)

Mt. Vernon Game Farm (Season dates are September 1-30; Wednesdays, Saturdays and Sundays only; 5:00 p.m. closing; hunter quota posted at headquarters; first-come basis; hunters must hunt within ten feet

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of stakes; no gun may be carried into dove fields beyond hunting line)

Oakford Conservation Area (sunrise opening)

Panther Creek Conservation Area

Pike County Conservation Area (noon - 5:00 p.m. through Labor Day; hunting by staked sites only)

Pyramid State Park (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Railsplitter State Park (Season dates are September 6 - 30; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

Ramsey Lake State Park (5:00 p.m. closing September 1 - 30¹⁰)

Randolph County Conservation Area (5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Red Hills State Park (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Rend Lake Project Lands and Waters (sunrise opening)

Saline County Conservation Area (5:00 p.m. closing September 1 - 15; sunrise to sunset thereafter)

Sam Dale Lake Conservation Area (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Sam Parr State Park (5:00 p.m. closing September 1 - 30; sunrise to sunset thereafter)

Sand Ridge State Forest (~~Season dates are September 6 - October 30~~; sunrise opening; hunters must sign out at check station)

Sangamon County Conservation Area (sunrise opening)

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Sanganois Conservation Area (5:00 p.m. closing September 1 - 5; hunter quota to be filled on a first-come basis)

Sangchris Lake State Park (Season dates are September 6 - 30; hunters must hunt from within 10 feet of a DOC marked stake)

Shabbona State Park (5:00 p.m. closing until Labor Day weekend; season dates are September 1 - 15 closed Saturday and Sunday of Labor Day weekend)

~~Shawnee National Forest (sunrise-opening)~~

Siloam Springs State Park (5:00 p.m. closing ; hunting by staked hunting sites only)

Silver Springs State Park (Season dates are September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Site M (season dates are September 6 - the next following October 30; hunter quotas in managed dove fields will be filled on a first come basis; hunters in managed dove fields must hunt from within 10 feet of a DOC marked stake or flag; all hunters must obtain a windshield permit which will permit them to hunt doves at Site M during the 1994 season)

Snake Den Hollow State Fish and Wildlife Area (5:00 p.m. closing through Labor Day; sunrise to sunset after Labor Day; season dates are September 1-30)

Stephen A. Forbes State Park (5:00 p.m. closing September 1 - 30)

Sunspot Mine (Fulton and Schuyler Counties) (5:00 p.m. closing September 1 through Labor Day; sunrise to sunset after Labor Day)

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Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (sunrise opening; permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; ~~parking card must be displayed on dashbeard-of-vehicle~~; permit must be returned by February 15 to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Trail of Tears State Forest (sunrise opening)

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Union County Conservation Area (season dates are September 1 - October 15; 5:00 p.m. closing September 1-5; sunrise to sunset thereafter)

Washington County Conservation Area (sunrise to sunset after September 5)

Wayne Fitzgerald State Recreation Area (closed September 1 - Labor Day; 5:00 p.m. closing September 7 - 12; sunrise to sunset thereafter)

Weinberg-King State Park (5:00 p.m. closing through September 14; sunset closing thereafter)

Wildcat Hollow State Forest

~~Wittkowsky State Wildlife Area~~

d)

Statewide regulations as provided in this Part apply at the following sites except that hunting hours at all state sites open at 12:00 Noon daily unless otherwise indicated (exceptions noted in parentheses). In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (Season dates are September 15 - October 30)

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Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))

Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))

Lake Shelbyville Eagle Creek Wildlife Management Area

e) Permit areas

- 1) Permit season dates shall be September 1 - 5 at the following sites, hunting hours shall be from Noon to 5:00 p.m. (exceptions in parenthesis):

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line)

Mackinaw River State Fish and Wildlife Area

Railsplitter State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; no shooting except in direction of assigned fields)

~~Sand Ridge State Forest~~

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only; no gun may be carried onto dove field beyond shooting line; hunters must hunt from within 10 feet of a DOC marked stake or flag)

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Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

Site M (hunters must hunt assigned fields only; hunters will be assigned fields on a first-come, first-served basis at check-in time; no gun may be carried into dove field beyond shooting line; hunters must hunt from within 10 feet of a DOC marked stake or flag)

2) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- 3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.

- 4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.

- 5) All hunters must wear a back patch.

- 6) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

- 7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

- a) A one-day Youth Dove Hunt will be held ~~on the~~ first Saturday in September at the following sites:

Horseshoe Lake State Park

Kankakee River State Park

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held ~~on the~~ first Saturday in September where both the youth and adult will be permitted to hunt at the following sites:

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.

- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.

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- f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.

- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- (i) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Field Trials on Department-Owned or Managed Sites

- 2) CODE CITATION: 17 Ill. Adm. Code 910

- 3) SECTION NUMBERS:

910.15
910.20
910.25
910.60
910.80

PROPOSED ACTION:

New Section
Amendments
New Section
Amendments
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.34, 3.1 and 3.5) [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5]

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
New Sections on Definitions and Scheduling of Field Trials have been added to this Part and language regarding requests for field trial permits has been replaced with more specific information.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

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- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 910

FIELD TRIALS ON DEPARTMENT-OWNED OR MANAGED SITES

Section

910.10 Statewide Regulations

910.15 Definitions

910.20 Permits and Fees

910.25 Scheduling of Field Trials

910.30 Responsibility

910.40 Liability Insurance

910.50 Field Trial Season

910.60 Hunting License Requirements

910.70 Game Birds

910.80 Future Rights

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1985) 1991, ch. 61, pars. 1.3, 1.4, 2.34, 3.1 and 3.5) [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5]

SOURCE: Adopted at 2 Ill. Reg. 30, p. 291, effective July 29, 1978; codified at 5 Ill. Reg. 10650; amended at 7 Ill. Reg. 1784, effective February 1, 1983; amended at 11 Ill. Reg. 12860, effective July 28, 1987; amended at 18 Ill. Reg. _____,

Section 910.15 Definitions

a) Field Trial - any competition involving the classification of dogs commonly referred to as sporting dogs in which the primary purpose is to evaluate the field performance of the dogs.

b) Championship/Classic - field trial classifications awarded by recognized sporting dog registries such as the American Kennel Club, the American Field - Field Dog Stud Book, United Kennel Club, etc., or by recognized national sporting dog associations such as the National Shoot-To-Retrieve Field Trial Association, etc., that are used to designate particular field trials as superior and more prestigious events.

(Source: Added at 18 Ill. Reg. _____, effective _____)

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Section 910.20 Permits and Fees

a) Requests for Field Trial Permits must be received in writing by the Department at least four weeks prior to the date of the field trial. ~~Previous participating organizations who request that their field trial be held on the same weekend as the previous year will be granted the site and date requested if their request is received prior to the field trial season. Requests not received prior to field trial season will be allocated on a first-come first-serve basis.~~ Requests should be sent to:

Department of Conservation
Division of Wildlife Resources
Lincoln Tower Plaza
524 South Second St.
Springfield, IL 62706

b) Requests for Field Trial Permits must contain the following information:

- 1) Name of the field trial organization
 - 2) Date(s) the field trial is to be conducted
 - 3) Location
 - 4) Type of field trial (e.g., pointing dog-horseback, pointing dog-walking, beagle hound, retriever, shoot-to-retrieve, springer spaniel, etc.)
 - 5) Licensing or sanctioning sporting dog registry or association if applicable (e.g., American Kennel Club, The American Field - Field Dog Stud Book, National Shoot-To-Retrieve Field Trial Association, United Kennel Club, etc.)
- b+c) Fees - Illinois Department of Conservation Area
- 1) Pointing Breed Field Trials - \$35.00 per day or part of day
 - 2) Retrieving Breed and English Springer Spaniel Field Trials - \$25.00 per day or part of day
 - 3) Hound Field Trials - \$12.50 per day or part of day

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e)d) Established camp sites and group camping are available to field trial participants at rates established in 17 Ill. Adm. Code 130.

(Source: Amended at 18 Ill. Reg. _____, effective _____).

Section 910.25 Scheduling of Field Trials

a) Scheduling of field trial dates will be on a weekend basis with the first weekend being the first two-day weekend of January.

b) A field trial organization has first option for the date(s) it had the previous July 1 - December 31 or January 1 - June 30 if it follows the scheduling procedures in this Section.

c) The Department will accept requests from January 1 through April 30 for field trials that will occur from July 1 through December 31 of the same year.

d) The Department will accept requests from June 1 through September 30 for field trials that will occur from January 1 through June 30 of the following year.

e) Due to the time required for advance arrangements, the Department will accept requests from field trial organizations sponsoring a championship or classic at a time in advance of that specified in subsections (c) and (d).

f) A field trial organization that wishes to change dates during the scheduling periods must complete these arrangements with the appropriate field trial organization that used the date previously.

g) Dates remaining open after the conclusion of each scheduling period will be filled on a first-come, first-served basis.

h) If an open date is requested via telephone, it will be held ten business days. If a letter is not received in this time period and the scheduling priority period has concluded, the date will revert to an open date.

i) Championship field trials may be accommodated during or by delaying the controlled pheasant hunting season at

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*Class A field trial sites providing there are no significant adverse impacts to either activity.

j) Field trials will not be scheduled at the Lee County Conservation Area (Green River State Wildlife Area) from September 1 through September 15.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 910.60 Hunting License Requirements

a) In field trials where the taking of hand-reared game birds and hand-reared Mallard Ducks is a necessary function of the trial, the following shall apply:

1) All gunners are required to have a valid Illinois hunting license, except as exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 19851991, ch. 61, par. 3.1) [520 ILCS 5/3.1].

2) All non-resident gunners are required to have a valid Illinois non-resident hunting license or written exemption from the Department waiving the license requirement.

b) A written exemption from the Department waiving the hunting license requirement will be granted on request to all non-resident gunners. A request for a waiver of the hunting license requirement must be in writing.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 910.80 Future Rights

a) For violation of Section 2.34 of the Wildlife Code (Ill. Rev. Stat. 19851991, ch. 61, par. 2.34) [520 ILCS 5/2.34] or this Part, the Department will reject all future requests for Field Trial Permits for a period of time not to exceed five years following the conviction of the violation.

b) Organizations denied Field Trial Permits may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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_____)

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- 1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck
- 2) CODE CITATION: 17 Ill. Adm. Code 570
- 3) SECTION NUMBERS: PROPOSED ACTION:
 570.20 Amendments
 570.30 Amendments
 570.40 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
 Amendments to this Part are being made to consolidate and standardize regulations for State sites and to change statewide season dates.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
 No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:
- Jack Price
 Department of Conservation
 524 S. Second Street, Room 485
 Springfield, IL 62701-1787
- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

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THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK,
WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.40 Trapping Regulations on Department-Owned, -Leased or
-Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
- 1) Northern Zone: November 5 through the next following January 35.
 - 2) Southern Zone: November 15 through the next following January 15.

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b) Red fox, gray fox and coyote

1) ~~Northern Zone+Statewide: November 15 through the next following January 1315.~~

2) ~~Southern Zone+ November 15 through January 13.~~

c) Beaver

1) Northern Zone: November 5 through the next following March 31, except those portions of Carroll, Whiteside and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 5 through the next following January 35, inclusive.

2) Southern Zone: November 15 through the next following March 31.

d) Woodchuck (Groundhog)

Northern and Southern Zones: June 1 through the next following September 30.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

1) Trapping hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for trapping at sunrise; January 35 in the Northern Zone and January 1315 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

2) Daily and possession limit: None

b) Red fox, gray fox and coyote

1) Trapping hours: November 15 open for trapping at sunrise; January 1315 closed for trapping after sunset; otherwise, hours are unrestricted.

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2) Daily and possession limit: None

c) Beaver

1) Trapping hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January 35 after sunset; otherwise, hours are unrestricted.

2) Daily and possession limit: None

d) Woodchuck (groundhog)

1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.

2) Daily and possession limit: none.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.

3) Trappers must stay within designated areas.

4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code

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510.20. Permit applicants must submit name and address to the site prior to drawing.

- 5) All sites except Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area, Savanna Ordnance Depot and Sunspot Mine require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.

- 6) Egg-Traps®, D-P (Dog-Proof) Traps®, and traps of similar design may be used for land sets and water sets. Sites listed in 570.40 (b) that say "water sets only" do not prohibit the use of Egg-Traps®, D-P (Dog-Proof) Traps®, or traps of similar design on land unless so stated. Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.

- 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses), in addition, body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set:

Anderson Lake Conservation Area (no trapping during duck season; permit required, only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10-inch jaw spread may be used for water sets, only box or cage-type traps may be used for land sets)

Argyle Lake State Park (permit required, water sets only; beaver trapping only; square body-gripping traps with 10-inch jaw spread only)

Banner Marsh State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and

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square body-gripping traps with a 10-inch jaw spread may be used)

Big Pond Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10-inch jaw spread may be used for water sets; after the close of rabbit season foot-hold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Carlyle Lake Wildlife Management Area (permit required; permit must be carried at all times when the trapper is on the area; water sets only; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered by the Kaokaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which shall be issued at the site headquarters)

Clinton Lake Recreation Area (permit required; water sets only)

Coffeen Lake State Park (permit required; water sets only; no trapping during duck season)

Coleta Ponds (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10-inch jaw spread may be used for water sets)

Dog Island Wildlife Management Area (permit required; water sets only)

Eldon Hazlet State Park—north of Allen Branch and

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West-of Peppenhurst Branch only (permit required; water sets only)

Fort de Chartres Historical Site (permit required; water sets only)

Giant City State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used)

Hennepin Canal Parkway including Sniassippi Lake (permit required; water sets designed to drown the animal only; trappers must register at park office; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; Egg Traps, D-P Traps and traps of similar design are prohibited)

Horsehoe Lake Conservation Area (Alexander County) (permit required; water sets only)

I & M Canal (permit required; only box or cage-type traps may be used for land sets)

Johnson-Sauk Trail State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Kaskaskia River Fish and Wildlife Area (permit required; water sets only; Doga Creek waterfowl Management Area closed three days prior to and during duck season)

Kidd Lake State Natural Area (permit required; water sets only)

Kinkaid Lake Fish and Wildlife Area

Lake Jo-Aqua-Na State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2

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inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Lake Shelbyville Eagle Creek Wildlife Management Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; all traps must be tagged with the letters PCWA and the year; permit must be in possession when on the area for trapping purposes; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of the muskrat season)

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee waterfowl Areas during waterfowl season; all traps must be tagged with the letters SPWA and the year; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of muskrat season)

Mackinaw River State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Marshall County Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

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~~Mermet Lake Fish and Wildlife Area (permit required; water sets only)~~

~~Mississippi Palisades State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)~~

~~Mississippi River Pools 16, 17, 18, 21, 22, 24~~

~~Mississippi River Pools 25, 26 (permit required; water sets only; no trapping during waterfowl season)~~

~~Moraine Hills State Park (permit required; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing; trapping limited to Wildlife Area only; only muskrats may be taken; all traps must be water sets only; furthermore, only bodygripping traps with a jaw spread of 5 inches or less may be used)~~

~~Morrison Rockwood State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)~~

~~Panther Creek Conservation Area~~

~~Pyramid State Park (permit required; water sets only)~~

~~Randolph County Conservation Area (permit required; water sets only)~~

~~Rend Lake Project Lands and Waters (water sets only)~~

~~Rice Lake Fish and Wildlife Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land~~

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~~sets)~~

~~Reek Cut State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)~~

~~Sangamois Fish and Wildlife Area (no trapping in designated duck rest areas during the duck season)~~

~~Sangehrie Lake Fish and Wildlife Area (permit required; water sets only; no trapping during duck season)~~

~~Savanna Ordnance Depot (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)~~

~~Shabbona Lake State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)~~

~~Sparland Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)~~

~~Spring Lake Conservation Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)~~

~~Sunspot Mine (Fulton and Schuyler Counties)~~

~~Ten Mile Creek State Fish and Wildlife Area (permit required; water sets only; areas designated as~~

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~~Refuge are closed to all access during Canada Goose Season only; permits must be returned to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450 by March 15.~~

~~Turkey Bluffs Fish and Wildlife Area (permit required; water sets only)~~

~~Union County Conservation Area (permit required; water sets only)~~

~~Washington County Conservation Area (permit required; water sets only)~~

- c) Statewide regulations as provided for in this part apply at the following sites, in addition, a permit is required; only Egg Traps®, D-P (Dog-Proof) Traps®, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

~~Carlyle Lake Wildlife Management Area (permit must be carried at all times when trapper is on the area; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which shall be issued at the site headquarters)~~

~~Clinton Lake Recreation Area~~

~~Coffeen Lake State Park (no trapping during duck season)~~

~~Dog Island Wildlife Management Area~~

~~Eldon Hazlet State Park - north of Allen Branch and west of Peppenhurst Branch only~~

~~Fort de Chartres Historical Site~~

~~Horseshoe Lake Conservation Area~~

~~I & M Canal~~

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~~Kaskaskia River Fish and Wildlife Area (Dora Creek Waterfowl Management Area closed three days prior to and during duck season)~~

~~Kidd Lake State Natural Area~~

~~Lake Shelbyville Eagle Creek Wildlife Management Area (current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; all traps must be tagged with the letters ECWA and the year; body-gripping traps with a jaw spread of 5 inches or less and foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; beaver trapping season closes at the end of the muskrat season)~~

~~Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during duck season; all traps must be tagged with the letters SPWA and the year; body-gripping traps with a jaw spread of 5 inches or less and foothold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; beaver trapping closes at the end of the muskrat season)~~

~~Mermet Lake Fish and Wildlife Area~~

~~Mississippi River Pools 25, 26 (no trapping during duck season)~~

~~Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing)~~

~~Panther Creek Conservation Area~~

~~Randolph County Conservation Area~~

~~Sangchris Lake Fish and Wildlife Area (no trapping during duck season)~~

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Ten Mile Creek State Fish and Wildlife Area (areas designated as Refuge are closed to all access during Canada Goose season only; permits must be returned to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450 by March 31)

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

- d) Statewide regulations as provided for in this Part apply at the following sites, in addition, a permit is required: only Egg Traps®, D-P (Dog-Proof) Traps®, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area (no trapping during duck season)

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area (no trapping during duck season)

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area

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Marshall County Fish and Wildlife Area (no trapping during duck season)

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area (no trapping during duck season)

Rock Cut State Park

Shabbona Lake State Park

Sparland Fish and Wildlife area (no trapping during duck season)

Spring Lake Conservation Area (no trapping during duck season)

Trail of Tears State Forest

Union County Conservation Area

- e)f) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

1) All regulations shall be according to species regulations as provided for in this Part.

2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.

3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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1) HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) CODE CITATION: 17 Ill. Adm. Code 550

3) SECTION NUMBERS: PROPOSED ACTION:

550.20 Amendments
550.30 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This Part is being revised extensively to consolidate, and to the degree possible, standardize regulations on State sites. Hamilton County Conservation Area will be opened to furbearer hunting and the hunting program at Fort de Chartres is being expanded.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

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12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX,
GRAY FOX, COYOTE AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox,

Coyote and Woodchuck (Groundhog) Hunting on

Department-Owned, -Leased or

-Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 550.20 Statewide Regulations

a) Raccoon, Opossum

- 1) Zones: The State of Illinois is divided by U. S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.

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- 2) Northern Zone hunting dates: November 5 through the next following January 20, except as noted in Section 550.10(a) above.

- 3) Southern Zone hunting dates: November 15 through the next following January 30, except as noted in Section 550.10(a) above.

- 4) Hunting hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.26) [520 ILCS 5/2.26].

- 5) Daily limit and possession limit: None.

b) Red fox and gray fox

- 1) Hunting dates: November 15 through the next following January 31, except as noted in Section 550.10(a) above.

- 2) Hunting hours: Opens November 15 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.

- 3) Daily limit and possession limit: None.

c) Coyote and Striped Skunk

- 1) Hunting dates: Year around except as noted in Section 550.10(a) above.

- 2) Hunting hours: One-half hour before sunrise to sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours.

- 3) Daily limit and possession limit: None.

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d) Woodchuck (groundhog)

- 1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.

- 2) Hunting hours: Sunrise to sunset.

- 3) Daily limit and possession limit: None.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

- a) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- b) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permits may be obtained from site offices, and must be in possession while hunting. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report shall result in the hunter being ineligible to hunt at that site for the following year.

- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular duck season; .22 rimfire firearms may be used from sunset to sunrise)

Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Banner Marsh State Fish and Wildlife Area (coyote

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only; shotgun and archery only; firearm season to coincide with the site where rabbitupland game is hunted season (See Section 530.10(b) and Section 530.20(b)) and site; archery season coincides with site archery deer hunting seasons (See Section 670.10))

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Campbell Pond Wildlife Management Area

Cache River State Natural Area (coyote and striped skunk season to coincide with statewide fox season)

Carlyle Lake Lands and Waters--Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Chauncey Marsh (permit required; may be obtained at Red Hille State Park headquarters; no hunting in dedicated Nature preserve; return permit by February 15; .22 rimfire firearms may be used from sunset to sunrise; no woodchuck hunting; coyote and striped skunk season coincides with statewide fox season)

Crawford County Conservation Area (Permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

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Dog Island Wildlife Management Area

Eldon Hazlet State Park north of Allen Branch and west of Pepperherst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms and archery only)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season January 1 through the end of the statewide season; coyote season January 15 - February 28; .22 rimfire firearms permitted)

I-24 Wildlife Management Area

Iroquois County Conservation Area (Raccoon, opossum and coyote only; raccoon and opossum hunting permitted after close of permit pheasant season; permit required; .22 rimfire firearms may be used; hunting hours sunset to sunrise only; coyote hunting permitted as prescribed in Section 550.10(a) and sunrise to sunset from the end of permit pheasant season to January 31 and sunset to sunrise from end of permit pheasant season to end of fox season during which time .22 rimfire firearms may be used to take coyotes, free permit required)

Kankakee River State Park (raccoon and opossum hunting; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Wednesday prior to second firearm deer season, except as noted in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters

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must check out and report harvest prior to leaving site; hunters must obtain free season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Dona Creek Waterfowl Management Area closed 3 days prior to and during duck season; .22 rimfire firearms permitted from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only; permit required; obtain from site office; .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a); and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise from start of fox season to January 15; .22 rimfire firearms may be used to take coyote sunset to sunrise; permit required; obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, IL 61858)

Kidd Lake State Natural Area (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Lincoln Trail State Park (raccoon hunting only; .22 rimfire firearms may be used; hunting hours sunset to sunrise only; permit required; obtain from site office; hunters must report harvest to site superintendent by December 31; hunting season from sunset November 22 to sunrise December 1 and sunset December 6 to sunrise December 20)

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~~Marseilles Conservation Area (no night hunting, fox and coyote hunting only, fox season January 1 state closing, coyote January 1 February 28, .22 rimfire firearms permitted)~~

~~Marshall State Fish and Wildlife Area (raccoon and opossum only may be hunted, .22 rimfire firearms may be used from sunset to sunrise)~~

~~Middlefork Fish and Wildlife Area (raccoon, opossum and coyote only, raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used, coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise from start of fox season to January 15, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, IL 61858)~~

~~Mississippi River Pools 16, 17, 18 (hunting not permitted in developed areas, .22 rimfire firearms permitted)~~

~~Mississippi River Pools 21, 22, 24, 25, 26 (.22 rimfire firearms permitted, hunting not permitted within 300 ft. of any legal waterfowl blind or in developed areas during waterfowl season)~~

~~Oakford Conservation Area (.22 rimfire firearms permitted from sunset to sunrise)~~

~~Panther Creek Conservation Area (.22 rimfire firearms permitted, coyote and striped skunk season shall coincide with statewide fox season, no woodchuck hunting)~~

~~Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C; .22 rimfire firearms permitted)~~

~~Ramsey Lake State Park (permit required, coyote and striped skunk season shall coincide with statewide fox season, .22 rimfire firearms may be used from sunset to sunrise)~~

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~~Randolph County Conservation Area (.22 rimfire firearms may be used from sunset to sunrise, coyote and striped skunk season shall coincide with statewide fox season, no woodchuck hunting)~~

~~Rend Lake Project Lands and Waters~~

~~Saline County Conservation Area (hunting north of the township road only, coyote and striped skunk season to coincide with the statewide fox season, .22 rimfire firearms may be used from sunset to sunrise)~~

~~Sand Ridge State Forest (permit required, raccoon and opossum season dates shall coincide with trapping season, coyote and striped skunk season shall coincide with statewide fox season, .22 rimfire firearms permitted)~~

~~Sangamon County Conservation Area~~

~~Sangamon County Conservation Area (hunting prohibited within 300 ft. of legal blinds or developed areas, .22 rimfire firearms may be used from sunset to sunrise)~~

~~Sangchris Lake State Park (fox and coyote hunting only; harvest report required; hunting is prohibited within 200 yards of developed areas such as picnic and camping areas; hunters pursuing upland game, waterfowl, or deer in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530, 590, 650, 660 and 670, respectively, may take fox and coyote during the statewide seasons for fox and coyote hunting. In addition, fox and coyote may be taken during statewide hunting hours from the end of the goose hunting season in the central zone to the end of the statewide fox hunting season; coyotes may also be taken from the close of the statewide fox hunting season through March 31; any fox or coyote taken must be removed from the site; hunters must report harvest at site office)~~

~~Shawnee National Forest, LaRue Scatters (season closes 3 days before opening of duck season and remains closed through the duck season)~~

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Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy Levee, season closes 3 days before opening of duck season and remains closed through the duck season; non-toxic shot only as defined in Section 590.10(d))

Siloam Springs State Park (coyote and striped skunk only; season will coincide with statewide archery deer season, for archers only; and second firearm season, shotgun only)

Silver Springs State Park (fox and coyote hunting only; season opens the day after pheasant season closes; hunting hours are 4:00 a.m. to 8:00 p.m. through January 31; coyote season closes March 1; hunters must check in and check out and report harvest prior to leaving site)

Site M (coyote hunting will be allowed as announced by the Department; .22 rimfire firearms permitted; hunters must obtain a season long permit from the site office; no woodchuck hunting)

Stephen A. Forbes State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Sunepot Mine (Fulton and Schuyler Counties) (.22 rimfire firearms may be used from sunset to sunrise)

Tapley Woods State Natural Area (muzzle-loading rifles and .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Ten Mile Creek State Fish and Wildlife Area (permit required; .22 rimfire firearms may be used from sunset to sunrise; parking cards must be displayed in windshield; permits must be returned by February 15 to the District Wildlife Manager, 700B West Lafayette, P.O. Box 313, Olney, IL 62450; areas designated as Refuge are closed to all access during Canada Goose Season only)

Trail of Tears State Forest (.22 rimfire firearms may be used from sunset to sunrise; coyote and

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striped skunk season shall coincide with statewide fox season; permit required; obtain from site office; permit must be returned and harvest reported by February 15 to the Park Office, R.R. 17, Box 1331, Jonesboro, IL 62952)

Turkey Bluffs Fish and Wildlife Area (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Walnut Point Fish and Wildlife Area (raceoon hunting only; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required; hunters must report harvest to the site superintendent by December 31; hunting allowed November 22 to sunrise on the Wednesday prior to the second firearm deer season and from sunset December 6 to sunrise December 20)

Washington County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Weinberg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Wildest Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Woodford County Conservation Area (raceoon and opossum hunting only; hunters must register; season opens after duck season closes; .22 rimfire firearms may be used from sunset to sunrise only)

d) Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses): In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted; .22 rimfire firearms permitted from sunset to sunrise (exceptions are in parentheses):

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~~Clinton Lake (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)~~

Eagle Creek State Park (no night hunting)

~~Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)~~

Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

~~Lake Shelbyville-Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)~~

Lincoln Trail State Park (permit and harvest report required; raccoon hunting only; hunting allowed from sunset on the first day after the first firearm deer season to sunrise on the first day before the second firearm deer season, and from sunset the day after the second firearm deer season to sunrise on December 20)

Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - state closing; coyote January 1 - February 28)

Marshall State Fish and Wildlife Area (raccoon and opossum hunting only)

Mississippi River Pools 16, 17, 18 (hunting prohibited within 300 feet of developed areas)

Mississippi River Pools 21, 22, 24, 25, 26 (hunting prohibited within 300 feet of developed areas and legal waterfowl blinds during waterfowl season)

Oakford Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C)

Sanganois Conservation Area (hunting prohibited

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within 300 feet of developed areas and legal blinds during waterfowl season)

Sunspot Mine

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose season only)

(e) Statewide regulations as provided for in this Part apply at the following sites. In addition, coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted from sunset to sunrise (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of regular duck season)

Argyle Lake State Park

Big Bend Conservation Area

Big River State Forest

Cache River State Natural Area

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, opossum and fox season January 1 through the end of the statewide season; coyote and striped skunk season January 15 - February 28)

Ramsey Lake State Park (permit required)

Saline County Conservation Area (hunting north of the township road only)

Sand Ridge State Forest (permit required; raccoon and opossum season dates shall coincide with trapping season)

Stephen A. Forbes State Park (permit required)

Tapley Woods State Natural Area (muzzleloading rifles may be used from sunset to sunrise)

Trail of Tears State Forest (permit and harvest

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report required).

Walnut Point Fish and Wildlife Area (permit and harvest report required; raccoon hunting only; hunting allowed from sunset on the first day after the first firearm deer season to sunrise on the first day before the second firearm deer season, and from sunset the day after the second firearm deer season to sunrise on December 20).

Wildcat Hollow State Park

Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after duck season closes)

Statewide regulations as provided for in this Part apply at the following sites. In addition, coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted from sunset to sunrise; no woodchuck hunting (exceptions are in parentheses):

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season).

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve)

Clinton Lake (permit and harvest report required)

Crawford County Conservation Area (permit required)

Eagle Creek State Park (permit and harvest report required; no night hunting)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhurst Branch)

Fox Ridge State Park (permit and harvest report required)

Hamilton County Conservation Area (permit required)

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Hidden Springs State Park (permit and harvest report required).

Iroquois County Conservation Area (permit required; season opens after close of permit pheasant season).

Kankakee River State Park (permit and harvest report required; season opens after close of permit pheasant season).

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season).

Kickapoo State Park (permit and harvest report required; hunting hours sunset to sunrise only).

Kidd Lake State Natural Area

Lake Shelbyville Eagle Creek Wildlife Management Area (permit and harvest report required).

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit).

Middlefork Fish and Wildlife Area (permit and harvest report required; hunting hours sunset to sunrise except that coyote hunting is permitted as prescribed in Section 550.10(a)).

Panther Creek Conservation Area

Randolph County Conservation Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (permit required).

Weinberg King State Park (permit required).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season

2) CODE CITATION: 17 Ill. Adm. Code 720

3) SECTION NUMBERS: PROPOSED ACTION:

720.10 Amendments
720.20 Amendments
720.25 New Section
720.40 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
Amendments to this Part add Lee, Mason, Morgan, St. Clair and Tazewell counties, and several State sites located in these counties, to the list of sites open for hunting; add a new Section dealing with landowner/tenant permit requirements; and update site-specific information.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

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12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF CONSERVATION
 SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section

720.10 Hunting Seasons and Counties Open to Hunting
 720.20 Statewide Turkey Permit Requirements
 720.25 Turkey Permit Requirements - Landowner/Tenant Permits
 720.30 Turkey Hunting Regulations
 720.40 Regulations at Various Department-Owned or -Managed Sites
 720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through the next following January 1st, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650, except those Department of Conservation (Department or DOC) sites designated below by asterisk (*), shall be open to archery turkey hunting without regard to firearm deer season.-- (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

- b) Open Counties:

Adams

Mason

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Alexander	McDonough
Bond	Mercer
Brown	Monroe
Bureau	Morgan
Calhoun	Ogle
Carroll	Pike
Cass	Pope
Clark	Putnam
Clay	Randolph
Cumberland	Rock Island
Effingham	Saline
Fayette	Schuyler
Fulton	Scott
Gallatin	St. Clair
Greene	Stephenson
Hancock	Tazewell
Hardin	Union
Henderson	Washington
Jackson	Whiteside
Jersey	Williamson
Jo Daviess	Winnebago
Johnson	
Knox	
Lee	
Macoupin	
Marion	
Marshall	

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 720.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$5.00. Non-resident turkey hunters shall be charged \$50.00 for wild turkey hunting permits. Applications for wild turkey permits must be mailed to:

Department of Conservation - Fall Archery Wild Turkey Permit
 524 S. Second Street, Room 210
 P.O. Box 19446
 Springfield, Illinois 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be

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rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

- c) Applications will be accepted beginning the first Monday in June-workday after July 4. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.

d) ~~Landowners including non-resident and out-of-state landowners who own 40 acres or more land and resident tenants and members of their immediate family may apply for a free turkey permit for their property only in counties open for turkey hunting. A resident tenant for the purpose of this part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license. If the property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.~~

- 1) ~~The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.~~

- 2) ~~Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:~~

- A) ~~Submittal of a copy of property deed;~~
- B) ~~Submittal of a copy of contract for deed;~~
- C) ~~Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);~~
- D) ~~Submittal of a copy of either an Agricultural~~

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~~Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or~~

- E) ~~Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.~~

- 3) ~~If you are applying for a tenant permit, you are required to submit in addition to the landowner certification and proof of ownership, a copy of one of the following:~~

A) ~~Submittal of a copy of a lease or rental agreement, file stamped as recorded by the County Clerk, covering the current year, or~~

B) ~~Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 Form or Commodity Credit Corporation 477 Form.~~

- 4) ~~A hunting rights lease or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit. A trustee of a land trust is not eligible to receive a landowner permit.~~

- 5) ~~Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Officer.~~

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e)d) A \$3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail then there will be no charge.

f)e) It shall be unlawful to:

- 1) Submit more than one application for the same person.
- 2) provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 720.25 Turkey Permit Requirements - Landowner/Tenant Permits

a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of

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\$25.00.

d) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
- 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477; or
- 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

e) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county desk, covering the current year; or
- 2) Submittal of a copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477.

f) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

g) Shareholders of corporations owning 40 or more acres of land in a county may apply for one permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as

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a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders, and the cost to nonresident shareholders shall be \$25.00

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area

Argyle Lake State Park (October 15 through statewide closing)

Beaver Dam State Park (only archery deer hunters will be allowed to take turkeys while deer hunting during the prescribed season dates)

Big River State Forest

Cache River State Natural Area (Little Black Slough Hunting Area)

Carlyle Lake Wildlife Management Area and Corps of Engineers managed land (subimpoundment area closed 3 days prior to and during the duck season)

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Castle Rock State Park (November 1 through statewide closing December 31)

Dog Island Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres Historic Site

Franklin Creek State Park

Giant City State Park

I-24 Wildlife Management Area

Kaskaskia River State-Fish and Wildlife Area (south of Highway 154 only except that area north of Hwy 154, east of the Kaskaskia River, and south of Risdon School Road and Beck's Landing access road)

Kinkaid Lake Fish and Wildlife Area

Lowden-Miller State Forest

Mississippi Palisades State Park (season dates - November 1 through December 31)

Mississippi River Pool 16, 17 and 18, 21, 22 and 24

Panther Creek Conservation Area

Pere Marquette State Park

Pike County Conservation Area Hunting closes November 30 in Area A; Hunting closes December 15 in Area C

Ramsey Lake State Park

Randolph County Conservation Area

Saline County Conservation Area

Sand Ridge State Forest

Sanganois State Wildlife Area

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Shawnee National Forest

Siloam Springs State Park

Site M (in-designated areas only, hunting will be allowed as announced by the Department parking permitted in designated areas only)

* Stephen A. Forbes State Park

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Public Hunting Area (October 1-15 only)

Union County Conservation Area - Firing Line Management Unit only

Weinburg-King State Park

Witkowsky State Wildlife Area

- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-served sites.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Gun Season

- 2) CODE CITATION: 17 Ill. Adm. Code 715

- 3) SECTION NUMBERS: PROPOSED ACTION:

715.10	Amendments
715.20	Amendments
715.25	New Section
715.40	Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This Part is being amended to add Cass, Henderson, Marion and Scott counties, and several State sites located in these counties, to the list of sites open for hunting and to add a new Section dealing with landowner/tenant permit requirements.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not

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NOTICE OF PROPOSED AMENDMENTS

affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

715.10 Hunting Season, Open Counties and Permit Quotas

715.20 Statewide Turkey Permit Requirements

715.21 Turkey Permit Requirements - Special Hunts

715.25 Turkey Permit Requirements - Landowner/Tenant Permits

715.30 Turkey Hunting Regulations

715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

a) Season: October ~~16~~¹⁵ through October 24, ~~1993~~²³, 1994.

b) Open Counties

OPEN COUNTIES

Adams

Alexander

Brown

Calhoun

Carroll

Cass

Gallatin/Hardin (south of Rt. 13 only)

Greene

Hancock

Henderson

Jackson

Jersey

Jo Daviess

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Marion

Pike

Pope (north of Rt. 146 only)

Randolph

Saline

Schuyler

Scott

Union

Williamson

- c) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged \$75.00 for the first wild turkey hunting permit. If a second permit is obtained, the fee shall be \$25.00. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.1) [520 ILCS 5/3.1] are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season shall not be guaranteed receipt of permit by start of season.

- c) Applications shall be accepted from residents only beginning the first Monday in July. All requests must be

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on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield in which the first choice of county shall be allocated before the second choice is considered. Applications post-marked after July 16¹⁵ shall not be included in the drawing.

- d) Permits not issued during the computerized drawing shall be available in a random daily drawing beginning August 23²². All hunters not receiving a permit in the computerized drawing and non-residents may apply at this time for the available permits.

- e) Any permits not issued as of the third Monday in September shall also be available in a random daily drawing to those hunters who have previously received one permit. Hunters may obtain a maximum of two permits for the fall gun season.

- f) ~~Landowners including non-resident and out-of-state landowners who own 40 acres or more land and resident tenants and members of their immediate family may apply for one free turkey permit for their property only in areas open for turkey hunting. A resident tenant for the purpose of this part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license.~~

- g) ~~Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.~~

- 1) ~~The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.~~

- 2) ~~Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:~~

- A) ~~Submittal of a copy of property deed.~~

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- B) ~~Submittal of a copy of contract for deed;~~
 - C) ~~Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);~~
 - D) ~~Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or~~
 - E) ~~Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.~~
- 3) ~~If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:~~
- A) ~~A copy of a lease or rental agreement, file stamped as recorded by the County Clerk covering the current year; or~~
 - B) ~~A copy of either an Agricultural Stabilization and Conservation Service 476 form or Commodity Credit Corporation 477 form.~~
 - 4) ~~A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.~~
 - 5) ~~If the property is owned or rented by more than one person. Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit for every 40 acres of owned or rented land.~~
 - 6) ~~For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.~~
 - 7) ~~Shareholders of corporations owning 40 or more acres of land in an area open to hunting may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued~~

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~~based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the permit officer.~~

~~h) f) A \$3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge will be made.~~

~~i) g) It shall be unlawful to:~~

- 1) ~~Submit applications for receiving more than one permit for the same person; or~~
- 2) ~~Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 715.25 Turkey Permit Requirements - Landowner/Tenant Permits

- a) ~~The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.~~
- b) ~~A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.~~

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A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Nonresident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50.

d) Landowners or tenants are not required to participate in the public drawing for permits, and are not counted towards the total number of permits issued for a particular county.

e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Tuesday in September from any permits remaining. Fees for this additional permit shall be \$15.00 for residents and \$25.00 for nonresidents.

f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;
- 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

g) If you are applying for a tenant permit, you are required

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to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county desk, covering the current year; or

2) Submittal of a copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477.

h) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres or owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

i) Shareholders of corporations owning 40 or more acres of land in a county may apply for one permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders, and the cost to nonresident shareholders shall be \$37.50.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- a) Statewide regulations (See 17 Ill. Adm. Code 510) shall apply for the following sites:

Kaskaskia River Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River Pools 18 (Henderson County only), 21, 22, 24, 25 and 26

Pike County Conservation Area

Shawnee National Forest

Sunspot Mine (Schuyler County only)

- b) Statewide regulations shall apply except that all hunters must check in and check out and must report turkey harvest at the check station or on a sign out sheet at the areas listed below. Quotas, where listed, shall be on a first-come, first-serve basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Big River State Forest (quota will be publicly announced)

Fort de Chartres Historic Site (muzzleloading shotgun only)

Giant City State Park

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park - Public Hunting Area

Saline County Conservation Area

Siloam Springs State Park - quota will be publicly announced

Tapley Woods - quota will be publicly announced

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

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Union County Conservation Area - Firing Line Management Unit Only

Weinburg-King State Park

Wittowsky State Wildlife Area - quota will be publicly announced

- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-serve sites.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Woodcock, Snipe, Rail, and Teal Hunting

2) CODE CITATION: 17 Ill. Adm. Code 740

3) SECTION NUMBERS: PROPOSED ACTION:

740.10
Amendments
740.20
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
Delete hunting dates and daily limits for woodcock, snipe and rail and add language indicating that these regulations are set in accordance with federal regulations; add zinc-plated shot as a U.S. Fish and Wildlife Service approved shot; add additional sites; update site-specific information; and add crow hunting regulations to the rule.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 740

CROW, WOODCOCK, SNIPE, RAIL, AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe, crow and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.
- c) Woodcock

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1) ~~Hunting dates: October 1-December 4 Season dates, daily limits and possession limits are in accordance with federal regulations.~~

2) Hunting hours: Sunrise to Sunset

3) ~~Daily limit: 5~~

4) ~~Possession limit: 10 after the 1st hunting day~~

d) Snipe (Common)

1) ~~Hunting dates: September 4-December 19 Season dates, bag limits and possession limits are in accordance with federal regulations.~~

2) Hunting hours: Sunrise to Sunset

3) ~~Daily limit: 8~~

4) ~~Possession limit: 16 after the 1st hunting day~~

e) Rail (Sora and Virginia)

1) ~~Hunting dates: September 4-November 12 Season dates, bag limits and possession limits are in accordance with federal regulations~~

2) Hunting hours: Sunrise to Sunset

3) ~~Daily limit: 25~~

4) ~~Possession limit: 25~~

f) Teal

- 1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, effective August 26, 1990; 50 CFR 20.104, effective August 26, 1990; 50 CFR 20.105, effective August 26, 1990; 50 CFR 20.106, effective August 26, 1990; and 50 CFR 20.109, effective August 26, 1990), unless the regulations in this Part are more restrictive.
- 2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as

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may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to any state regulations made in the Wildlife Code.

3) Hunting hours are sunrise - sunset.

4) ~~Baiting with corn, grain or other feed is prohibited.~~

g) Crow

1) Season dates: July 1 through the next following August 15, and from December 15 through the next following March 1.

2) Hunting hours are sunrise - sunset.

g)h) It shall be unlawful while attempting to take teal, rail or snipe to have in possession any shotgun shells not approved as non-toxic by federal regulations. ~~The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents less than 1% of the shot's weight. Lead shot plated with copper, nickel, or other material does not qualify.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.

b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before waterfowl season)

Big Bend Conservation Area

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Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (closes 3 days before waterfowl season in subimpoundment area)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park; must be returned by February 15; no hunting in dedicated Nature Preserve)

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to statewide closing)

Horseshoe Lake Public Hunting Area (Alexander County) (closed on controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Conservation Area (closes at 4:00 p.m. the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)

Jubilee College State Park (closed 1st weekend --

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Saturday and Sunday of October; legal opening to 4:00 p.m.)

Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Rabbit Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area (~~no permanent blinds allowed~~)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes at 4:00 p.m. on day before site's pheasant season; 8:00 a.m. to 4:00 p.m.)

Newton Lake State Fish & Wildlife Area (hunting allowed in portions open to rabbit hunting only during period coinciding with rabbit season; 8:00 a.m. to 4:00 p.m.; no hunting during firearm deer

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season)

Oakford Conservation Area

Panther Creek Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area B)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Red Hills (statewide hours until rabbit season, then 8:00 a.m. - statewide closing)

Rend Lake Project Lands and Waters

Rice Lake (during teal season only, hours are sunrise until noon; no woodcock hunting)

Saline County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Rabbit Hunting - which pertain to Sand Ridge State Forest; no rail hunting)

Sangamon County Conservation Area

Sangamon County Conservation Area

Shawnee National Forest

Site M (~~open only as publicly announced by the~~)

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~~Department in the news media, no rail hunting~~ hunters must sign in and out at the check station; hunters are restricted to the non-fee portion of the site during pheasant season; parking is permitted in designated areas only)

Stephen Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; ~~parking~~ ~~card must be displayed on dashboard of vehicle~~; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450).

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Unit only)

Washington County Conservation Area (no rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

Witkowski State Wildlife Area

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Clinton Lake State Recreation Area

Eagle Creek State Park (snipe and rail hunting after September 15 only)

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Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Chain O'Lakes State Park (Hunting is allowed only from numbered blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; must return permit by February 15; no hunting in dedicated Nature Preserve)

Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; blind claiming privileges apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (in lands and waters of Peppenhorst Branch and Allen Branch north of the buoys only, and not within clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites, developed recreation areas, fisheries rearing ponds, roadways, and residences. No permanent blinds; minimum 12 decoys; minimum 200 yards between hunting parties)

Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))

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Horseshoe Lake State Park (Madison County)

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds)

Lake Shelbyville Fish and Wildlife Area

Lake Sinissippi Conservation Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Fish & Wildlife Area (Mississippi River Pools 25 and 26 and Illinois River from the Mississippi River confluence to Kampsville)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

Oakford Conservation Area (portable blinds only; 200 yard minimum distance must be maintained between hunting parties)

Pike County Conservation Area

Rend Lake Project Lands and Waters (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sanganois Conservation Area

Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest (no permanent blinds allowed)

Snake Den Hollow

Sunspot Mine (Fulton and Schuyler Counties)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle)

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permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Turkey Bluffs Fish and Wildlife Area (no permanent blinds allowed)

Union County Conservation Area (public goose hunting area only)

Woodford County Conservation Area

e) Crow Hunting

1) Statewide regulations as provided for in this rule shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Pike County Conservation Area

Pike County Conservation Area (July 1 through August 15)

Sanganois State Wildlife Area (July 1 through August 15; day after waterfowl season closes through March 1; non-toxic shot only)

Sunspot Mine (Fulton and Schuyler Counties)

2) Statewide regulations as provided for in this rule shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area (after waterfowl season closes but not before December 15, through March 1)

Big Bend Conservation Area (December 15 through March 1)

Big River State Forest (December 15 through March 1)

Lee County State Wildlife Area (Green River

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1) Heading of the Part: Long-Term Care Partnership Insurance

2) Code Citation: 50 Ill. Adm. Code 2018

3) Section Numbers: Proposed Action:

2018.10	New Section
2018.20	New Section
2018.30	New Section
2018.40	New Section
2018.50	New Section
2018.60	New Section
2018.70	New Section
2018.80	New Section
2018.90	New Section
2018.100	New Section
2018.110	New Section
2018.120	New Section
2018.130	New Section
2018.140	New Section
2018.150	New Section
2018.160	New Section
2018.170	New Section
2018.180	New Section
2018.190	New Section
2018.200	New Section
2018.210	New Section
2018.220	New Section
2018.230	New Section
2018.Exhibit A	New Section
2018.Exhibit B	New Section

4) Statutory Authority: Implementing the Partnership for Long-Term Care Act, (320 ILCS 35/1 et seq.) and authorized by Section 401 of the Illinois Insurance Code, (215 ILCS 5/401).

5) A Complete Description of the Subjects and Issues Involved:
The Partnership for Long-Term Care Act, (320 ILCS 35/1 et seq.) created a partnership between the Department of Insurance, the Department on Aging, the Department of Rehabilitation Services and the Department of Public Aid. This partnership was created to establish standards for a private-public long-term care insurance partnership program. The program allows individuals who purchase private long-term care insurance and who sustain extended episodes of chronic illnesses, that have exhausted all the benefits

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Conservation Area) (January 1 through March 1)

Trail of Tears (December 15 through March 1)

3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

of their private insurance, to be eligible for continued care by in-home supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.

Since the Department of Insurance has the authority to approve or disapprove all life/accident and health policy forms or certificates pursuant to Section 143(1) of the Illinois Insurance Code (215 ILCS 5/143(1)) the policy itself is what drives the partnership program. This is why the Department has initiated separate regulatory action for this specific type of coverage.

- 6) Will this proposed rule replace emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes. The incorporations by reference herein are being made pursuant to Section 5-75 of the Illinois Administrative Procedure Act, (5 ILCS 100/5-75) and 1 Ill. Adm. Code 100.385(b) and 220.780.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not require the Department to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell, Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767
- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this new rule will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE
PART 2018
LONG-TERM CARE PARTNERSHIP INSURANCE

Section	Purpose
2018.10	Applicability and Scope
2018.20	Definitions
2018.30	Policy Definitions
2018.40	Policy Practices and Provisions
2018.50	Unintentional Lapse
2018.60	Required Disclosure Provisions
2018.70	Standards for Marketing
2018.80	Minimum Benefit Standards for Qualifying Policies and Certificates
2018.90	Right to Appeal
2018.100	Required Policy and Certificate Provisions
2018.110	Reporting Requirements
2018.120	Maintaining Auditing Information
2018.130	Reporting on Asset Protection
2018.140	Preparing a Service Summary
2018.150	Plan of Action
2018.160	Auditing and Correcting Deficiencies in Insurer Recordkeeping
2018.170	Loss Ratio
2018.180	Appropriateness of Recommended Purchase
2018.190	Prohibition Against Pre-Existing Conditions and Probationary Periods in Replacement Policies or Certificates
2018.200	Standard Format Outline of Coverage Requirements
2018.210	Requirement to Deliver Shopper's Guide
2018.220	Penalties
2018.230	Class of Insurance - Accident/Health
2018.Exhibit A	Standard Format - Outline of Coverage
2018.Exhibit B	

AUTHORITY: Implementing the Partnership for Long-Term Care Act, (320 ILCS 35/1 et seq.) and authorized by Section 401 of the Illinois Insurance Code, (215 ILCS 5/401).

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

Section 2018.10 Purpose

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The purpose of this Part is to implement the Partnership for Long-Term Care Act, to promote the public interest, to promote the availability of long-term care partnership insurance coverage, to protect applicants of long-term care partnership insurance policies from unfair or deceptive sales or enrollment practices, and to facilitate public understanding and comparison of long-term care partnership insurance coverages.

Section 2018.20 Applicability and Scope

Except as otherwise specifically provided, this Part applies to all long-term care partnership policies delivered or issued for delivery in this State by any insurer on or after the effective date of this Part.

Section 2018.30 Definitions

Accelerated Life Product means a life insurance policy or contract which contains benefits providing for the acceleration of life or endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for long-term care which is certified or ordered by a physician.

Applicant means:

in the case of an individual long-term care partnership policy, the person who seeks to contract for benefits;

in the case of a group long-term care insurance policy, the proposed certificateholder.

Asset Disregard, when determining eligibility for the Medicaid program, means the total equity value of personal property, assets, and resources not exempt under Medicaid regulations equal to the sum of qualifying insurance benefit payments made on behalf of the qualified insured for Medicaid eligible long-term care services.

Asset protection means the right extended to persons purchasing long-term care partnership policies to retain amounts of assets equal to the sum of qualifying insurance payments made on their behalf in determining eligibility for the Medicaid program.

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Average Daily Private Pay Rate means the statewide average daily rate charged by nursing facilities for persons not qualifying for federal or state reimbursement, established annually by the Illinois Department of Public Health on a calendar year basis.

Case Management means the assessment of need for services, the development and/or revision of a Plan of Care to meet these needs, implementation and management of the Plan of Care, and monitoring of services delivered pursuant to the Plan of Care.

Case Management Agency means an agency or other entity designated and approved by the Department on Aging or the Department of Rehabilitation Services (89 Ill. Adm. Code 240.260 and 716.200), and which meets criteria established by the insurer. If two or more approved agencies offer case management services in the insured's area of residence, the insured may select any case management agency.

Certificate means any certificate issued under a group long-term care partnership policy, which policy has been delivered or issued for delivery in this State.

Cognitive Impairment means confusion or disorientation resulting from a deterioration, limitation and/or loss of functional capacity that is not related to or a result of mental illness but which can result from Alzheimer's disease or related disorders. This impairment is established through use of the Determination of Need. (Refer to 89 Ill. Adm. Code 240.715 and 685.500.)

Department on Aging, hereafter (DoA) means the Illinois Department on Aging.

Department of Insurance, hereafter (DOI) means the Illinois Department of Insurance.

Department of Public Aid, hereafter (DPA) means the Illinois Department of Public Aid.

Department of Public Health, hereafter (DPH) means the Illinois Department of Public Health.

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Department of Rehabilitation Services, hereafter (DORS) means the Illinois Department of Rehabilitation Services.

Director means the Director of Insurance.

Eligible Population means persons over the age of 18 years shall be eligible to purchase long-term care partnership policies. Individual insurance carriers may direct policies to all, or a selected subset of this population.

Group Long-Term Care Partnership Policy means a long-term care partnership policy which is delivered or issued for delivery in this State to one of the following:

One or more employers or labor organizations, or to a trust or to the trustee(s) of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations; or

Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and

has been maintained in good faith for purposes other than obtaining insurance.

An association or a trust or the trustee(s) of a fund established, created or maintained for the benefit of members of one or more associations. Prior to advertising, marketing or offering such policy within this State, the association or associations, shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been organized and maintained in good faith

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for purposes other than that of obtaining insurance; have been in active existence for at least one year; and have a constitution and by-laws which provide that:

the association or associations hold regular meetings not less than annually to further purposes of the members; and except for credit unions, the association or associations collect dues or solicit contributions from members; and the members have voting privileges and representation on the governing board and committees;

Thirty days from receipt by the DOI such filing the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements of this Section; or

A group other than those described above shall otherwise be subject to a finding by the Director that:

The issuance of the group policy is not contrary to the best interest of the public;

The issuance of the group policy would result in economies of acquisition or administration; and

The benefits are reasonable in relation to the premiums charged;

The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio complies with Illinois requirements.

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Insured Event means, for the purposes of determining eligibility for benefits under a qualified policy or certificate, and for determining whether these benefits result in an asset disregard for a qualified insured, the insured shall score fifteen or more points on Part A of the Determination of Need, (DON) at least ten of which may be earned on the Mini-Mental State Exam (MMSE). (Refer to 89 Ill. Adm. Code 240.715 and 685.500.)

Insurer means an insurance company, fraternal benefit society, nonprofit health, hospital, or medical service organization, prepaid health plan, health maintenance organization or any similar organization which has delivered or issued for delivery in this State a long-term care partnership policy or certificate.

Long-Term Care Partnership Insurance Policy means any long-term care insurance policy approved as a partnership policy by the Director and issued for delivery to any resident of this State which is designed to provide, within the terms and conditions of the policy, contract or certificate, benefits on an expense-incurred, or prepaid basis for necessary care as a result of limited functional capacity provided by a certified or licensed or approved Medicaid health care provider as described in 89 Ill. Adm. Code Section 140.12 in a setting other than an acute care hospital, for at least one (1) year from the date of issue after a contracted elimination period.

Medicaid Eligible Long-Term Care Services include the following:

Long-term care services available under Illinois' state Medicaid plan.

Long-term care services covered under the Medicaid home and community based services waivers for the aged and the disabled and persons with HIV/AIDS.

Other alternate services which are deemed by the DPA as essential to prevent institutionalization and offered by licensed or approved providers.

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Medicaid Waiver means the home and community based service waivers for the aged and disabled approved by the United States Department of Health and Human Services Health Care Financing Administration under the provisions of Section 1915(c) of the Social Security Act which allows Illinois to provide certain community and in-home services not covered in the state Medicaid plan, which are instrumental in the avoidance or delay of institutionalization. These services include:

- Personal Assistant (PA);
- Adult Day Care;
- Homemaker;
- Maintenance Home Health;
- Electronic Home Response Services (EHRS);
- Assistive Equipment;
- Remodeling;
- Respite;
- Other home and community based services to prevent institutionalization.

Minimum Daily Benefit means the minimum purchase would be the amount equivalent to 75% of the average daily private pay rate at the time the policy or certificate is issued shall be offered. A second option of 100% of the average daily private pay rate at the time the policy or certificate is issued shall also be offered.

Policyholder or Certificateholder means a policyholder or certificateholder of a long-term care partnership policy or certificate.

Pre-admission Screening means the program which requires that each person seeking admission to a nursing facility shall be screened and approved for admission by DoA or DORS or be ineligible for

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Medicaid/reimbursement for the period of 60 days after admission. (Refer to 89 Ill. Adm. Code 240.1010 and 690.100.)

Producer means an insurance producer licensed by the DOI who solicits, negotiates, effects, procures, renews, continues or binds policies of insurance covering property or risks in this State.

Section 2018.40 Policy Definitions

No insurance policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a long-term care partnership policy unless the policy or certificate contains definitions or terms which are not more restrictive than the requirements of this Section.

"Acute Condition" shall be defined as a condition that causes the individual to be medically unstable. Such individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult Day Care" shall be defined as the direct care and supervision of individuals in a community-based setting for the purpose of providing personal attention and promoting social, physical and emotional well-being in a structured setting. Specific components of adult day care service include the following:

- A) Providing and/or arranging of transportation;
- B) Development of a written individualized adult day care plan of care; provision of nursing services (e.g., evaluation of the client's needs, routine health monitoring and supervision/administration of medication(s));
- C) Assistance as needed with activities of daily living (e.g., walking, eating, toileting and personal care);
- D) A daily meal meeting one-third of the

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adult recommended daily dietary allowance with provision for a special diet as directed by the client's physician and supplementary snacks; and,

- E) An activity program which includes reality orientation (awareness of time, space, objects and persons), resocialization and stimulation (encourage interaction with others) and supportive counseling (active listening, attention to a client's specific needs and guidance to promote interaction with others).

"Assistive Equipment" shall be defined as tangible personal property with a useful life of at least one year, expressly designed and used for increasing independent functioning in specific tasks or activities of independent living in the home (e.g., bathing, meal preparation) that directly results in a demonstrated decrease in need for assistance from another individual in performing those tasks or activities (e.g., purchase of bath rails could decrease need for assistance for an individual to assist the client with bathing, or purchase of a microwave could reduce the need for an individual to cook for the client).

"Authorized designee" shall be defined as any person designated in writing to the insurance company by the policyholder or certificateholder of a qualified long-term care partnership policy or certificate for purposes of notification under Section 2018.60 of this Part.

"Electronic Home Response Services," (EHRS) shall be defined as services designed to provide a 24 hour per day emergency communication link to assistance outside the home for individuals so severely disabled that they are incapable of using conventional or modified communication devices such as the telephone, and who have no other persons available in the home should an emergency arise. EHRS provides a mode by which persons with disabilities who are left alone may signal an Electronic Home Response Center and obtain help. An Electronic Home Response Center is part of a network of emergency responders.

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"Elimination Amount" shall be defined as benefits that begin after the insured has accrued qualified long-term care partnership coverage expenses equal to 30, 60, or 90 days of policy benefits.

"Home Health Services" shall be defined as services which may be purchased for individuals at home or other non-institutional residences according to a plan of treatment for illness or infirmity prescribed or recommended by a physician or other health care professional. Home Health Services include three basic subcategories of care:

- A) nursing care including that provided by registered and licensed practical nurses who provide direct acute health care and who also supervise the services of home health aides;
- B) therapy including the services of physical, occupational, and speech therapists;
- C) and home health aide care which includes a wide range of personal convalescent and maintenance health care tasks performed by home health aides under the supervision of nurses.

"Homemaker" service shall be defined as non-medical support provided by trained and professionally supervised homemakers to maintain, strengthen and safeguard the functioning of individuals in their own homes in accordance with Section 2018.40 of this Part, the authorized Plan of Care. Specific components of homemaker service include the following:

- A) Teaching and/or performing of meal planning and preparation; routine housekeeping skills/tasks (e.g., making and changing beds, dusting, washing dishes, vacuuming, cleaning and waxing floors, keeping the kitchen and bathroom clean and laundering the client's linens and clothing); shopping skills/tasks; and, home maintenance and repairs;

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- B) Performing and/or assisting with essential shopping and/or errands may include handling the client's money (proper accounting to the client of money handled and provision of receipts are required) as required by the Plan of Care.
- C) Assisting with self-administered medication which shall be limited to:
- i) reminding the client to take his/her medications;
 - ii) reading instructions for utilization;
 - iii) uncapping medication containers; and
 - iv) providing the proper liquid and utensil with which to take medications;
- D) Assisting with following a written special diet plan and reinforcement of diet maintenance (can only be provided under the direction of a physician and as required by the Plan of Care);
- E) Observing client's functioning and reporting to the appropriate supervisory personnel;
- F) Performing and/or assisting with personal care tasks (e.g., shaving, hair shampooing and combing, bathing and sponge bath, shower bath or tub bath, dressing, brushing and cleaning teeth or dentures and preparation of appropriate supplies, transferring client, and assisting client with range of motion);
- G) Escort to medical facilities, errands, shopping and individual business as specified in the Plan of Care; and,
- H) Transportation may be included, to medical facilities, for essential errands/shopping or for essential client business with or in behalf of the client as specified in the Plan of Care.

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"Maintenance Home Health" shall be defined as medically-related services provided in the home in accordance with an ongoing plan of treatment prescribed by a physician. Maintenance Home Health will be provided for long-term, maintenance health care or when shift nursing is necessary. Specific components of maintenance home health are the following:

- A) Nursing services;
- B) Physical, respiratory, or speech therapy;
- C) The medical/health care services provided by a home health aide.

"Medicare" shall be defined as a program authorized by "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965, as then Constituted or Later Amended" (42 USCA Section 1395 et seq.), including the "Medicare Catastrophic Coverage Act of 1988."

"Plan of Care" shall be defined as the specific type, frequency of all services required to maintain the individual in the community, the service providers, and the cost of services. The Plan of Care shall be specified in writing by a state designated case management agency.

"Personal Care" shall be defined as the provision of hands-on services to assist an individual with activities of daily living, such as bathing, eating, dressing, transferring and toileting.

"Personal Assistant (PA) Services" shall be defined as those services performed under the supervision of the client, or other person who has agreed to provide such supervision, the PA may:

- A) perform, or assist the client with, household tasks and personal care;
- B) perform incidental health care tasks which do not require independent judgement, with permission of the client's physician, client or family; and/or

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- C) perform minimal tasks, such as turning a client in bed during the night, or getting the client a glass of water, but primarily involves being available to provide assistance in case of a life or health threatening emergency, such as evacuation in case of fire, moving the client to a safe location in case of tornado, or calling an ambulance if required by a medical emergency.

"Remodeling" shall be defined as modification of a home environment to enable insureds to be less dependent on direct assistance from others, to help compensate for their loss of agility, strength, mobility, sensation, and to increase their safety or mobility in the home.

"Respite Service" shall be defined as temporary care for insureds with disabilities aimed at relieving stress for clients' families. Respite Service shall be provided for vacation, rest, errands, family crisis or emergency. Respite Service includes Personal Assistant (PA), Homemaker, and Maintenance Home Health (individual or agency) services, described in this Section. Respite Service includes a single type of care or a combination of services, (e.g., Personal Assistant or Personal Assistant and Homemaker, Maintenance Home Health and Personal Assistant) based on the client's need.

"Service Summary" shall be defined as a written summary prepared by an insurer for an individual policyholder which identifies the specific precertified policy, the total benefits paid for services rendered to date and the amount qualifying for asset protection.

Section 2018.50 Policy Practices and Provisions

- a) Limitations and Exclusions. No policy may be delivered or issued for delivery in this State as a long-term care partnership insurance policy if the policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

- 1) Preexisting conditions or diseases;

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- 2) Mental or nervous disorders; other than Alzheimer's Disease or related disorders;
- 3) Alcoholism and drug addiction;
- 4) Illness, treatment or medical condition arising out of:
- A) war or act of war (whether declared or undeclared);
- B) conviction of a felony, riot or insurrection;
- C) service in the armed forces or units auxiliary thereto;
- D) suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or
- E) aviation (this exclusion applies only to non-fare paying passengers).
- 5) Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by the spouse of a covered person and services for which no charge is normally made in the absence of insurance.

- b) Case Management. Assessment of need and the development/revision of the Plan of Care shall be provided without charge to the insured. Case management agencies shall be reimbursed by the State for the administration of the Determination of Need. The insurer shall reimburse the agencies for the development of the Plan of Care and any additional required policy-specific activities related to the determination of eligibility for benefits, as well as any subsequent revisions, as a result of changes in need. If the insured elects to have the case management agency perform service monitoring and Plan of Care implementation and management, the costs of these services shall

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be part of the policy benefit and count towards asset disregard.

- c) Extension of Benefits. Termination of long-term care partnership insurance shall be without prejudice to any benefits payable for long-term care partnership services if such services began while the long-term care partnership policy was in force and continues without interruption after termination. Such extension of benefits beyond the period the long-term care partnership policy was in force may be limited to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

d) Continuation or Conversion.

- 1) Group long-term care partnership policies issued in this State shall provide covered individuals with a basis for continuation or conversion of coverage.

- A) A basis for continuation of coverage means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due;

- B) A basis for conversion of coverage means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least 6 months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of insurability.

- 2) Converted policy means an individual long-term care partnership policy providing benefits identical to or substantially equivalent to or in excess of

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those provided under the group policy from which conversion is made.

- 3) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be guaranteed renewable.

- 4) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.

- 5) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

- A) Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or
- B) The terminating coverage is replaced not later than thirty-one days after termination, by group coverage effective on the day following the termination of coverage:

- 1) Providing benefits identical to or benefits equivalent in design and actuarially equivalent in value in excess of those provided by the terminating coverage; and

- 11) The premium for which is calculated in a manner consistent with the requirements of subsection (d)(4) of this Section.

- 6) Notwithstanding any other provision of this subsection, any insured individual whose eligibility for group long-term care partnership coverage is based

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upon their relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

e) Discontinuance and Replacement.

If a group long-term care partnership policy is replaced by another group long-term care partnership policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

- 1) Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and
- 2) Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

f) The premiums charged to an insured for long-term care insurance shall not increase due to either:

- 1) The increasing age of the insured; or
- 2) The duration the insured has been covered under the policy.

g) No long-term care partnership policy shall:

- 1) Be cancelled, nonrenewed or otherwise terminated on grounds of the age or deterioration of the mental or physical health of the insured individual or certificateholder;
- 2) Contain a provision establishing a new waiting period in the event existing coverage is converted to, or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group certificateholder;

Section 2018.60 Unintentional Lapse

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Each insurer offering long-term care partnership insurance shall, as a protection against unintentional lapse, comply with the following:

a) Notice before lapse or termination.

- 1) No individual long-term care partnership policy or certificate shall be issued until the insurer has received from the applicant a written designation of at least one person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium; or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation shall provide space designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse. I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until 30 days after a premium is due and unpaid. I elect NOT to designate any person to receive such notice." The insurer shall also notify the insured of the right to designate or change the designee, no less often than once every 2 years.

- 2) When the policyholder or certificateholder pays the premium for a long-term care partnership policy or certificate through a payroll or pension deduction plan, the requirements contained in subsection (a)(1) of this Section need not be met until sixty (60) days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or

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certificates shall indicate the payment plan selected by the applicant.

- 3) Lapse or termination for nonpayment of premium. No individual long-term care partnership policy or certificate shall lapse or be terminated for nonpayment of premium unless the insurer, at least thirty (30) days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated pursuant to subsection (a)(1) of this Section, at the address provided by the insured for purposes of receiving notice of lapse or termination. Notice shall be given by first class United States mail, postage prepaid; and notice shall not be given until thirty (30) days after a premium is due and unpaid. Notice shall be deemed to have been given as of five (5) days after the date of mailing.

- b) In addition to the requirements of subsection (a) above, a long-term care partnership policy or certificate shall include a provision which provides for reinstatement of coverage, in the event of lapse, if the insurer is provided proof of cognitive impairment as defined in Section 2018.30(m) of this Part and as determined by a physician. This option shall be available to the insured if requested within five (5) months after termination and shall allow for the collection of past due premium.

Section 2018.70 Required Disclosure Provisions

- a) Renewability. Individual long-term care partnership policies shall contain a renewability provision. Such provision shall be captioned as a Renewal, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and of which it may be renewed.
- b) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care partnership policy, all riders or endorsements added to an individual long-term care insurance policy after issuance or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy

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shall require signed acceptance by the individual insured. After issuance, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing and signed by the insured, with the exception of when the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

- c) Pre-existing Conditions. If a long-term care partnership policy or certificate contains any limitations with respect to pre-existing conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled "Pre-existing Condition Limitations." Limitations to pre-existing conditions shall be in accordance with Section 351A-5 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 963A-5) [215 ILCS 5/351A-5].

- d) Disclosure Requirements for Accelerated Life Products.

1) Policy Summary

At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides long-term care partnership benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

- A) an explanation of how the long-term care partnership benefit interacts with other components of the policy, including deductions from death benefits;
- B) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;
- C) any exclusions, reductions and limitations on

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long-term care partnership benefits; and

- D) if applicable to the policy type, the summary shall also include:
- i) disclosure of the effects of exercising other rights under the policy;
 - ii) disclosure of guarantees related to long-term care partnership benefit costs of insurance charges; and
 - iii) current and projected maximum lifetime benefits.
- 2) Benefit Reports
- Any time a long-term care partnership benefit funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:
- A) any long-term care partnership benefits paid during the month;
 - B) an explanation of any changes in the policy, including changes in death benefits or cash values, due to long-term care partnership benefits being paid out; and
 - C) the amount of long-term care partnership benefits existing or remaining.
- 3) Outline of Coverage
- The Outline of Coverage should include an example filled out in John Doe form which illustrates how the long-term care partnership policy benefits are calculated. Refer to Section 2012.110 and Exhibit C for format and content requirements.
- e) An applicant and/or policyholder shall be given a copy of an explanation of the Right To Appeal found in Section 2018.100 of this Part, during the initial visit with an insurance producer, or upon request.

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Section 2018.80 Standards for Marketing

No long-term care partnership policy or certificate shall be advertised, solicited, or issued for delivery in this State as a long-term care partnership policy or certificate unless it has been approved by the Director. Each insurer seeking approval of a long-term care partnership policy or certificate shall:

- a) Provide the DOI with a written summary of the methods the insurer will use to alert the consumer, prior to presentation of an application for long term care partnership insurance, of the availability of consumer information and public education provided by the Senior Health Insurance Program, hereafter (SHIP) of the DOI.
- b) Utilize applications to be signed by the applicant which indicate that the applicant:
 - 1) Received a complete description of the Illinois long-term care partnership program entitled "What You Should Know About The Long-Term Care Partnership" available from any of the participating agencies, which includes an explanation of asset protection and how it is achieved. In addition to these, a toll free consumer information telephone number for SHIP shall be provided.
 - 2) Received a description of the insurer's long-term care partnership policy or certificate benefit option.
 - 3) Agrees to the release of information by the insurer to the State as may be needed to evaluate the Illinois long-term care partnership program, and document a claim for Medicaid asset protection in the following format:

"CONSENT AND AUTHORIZATION
TO RELEASE INFORMATION

I hereby agree to the release of all records and information pertaining to this long-term care partnership policy or certificate by the [insert issuer name] to the State of Illinois for the purpose of documenting a claim for Asset Protection under the State

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Medicaid program, for evaluating the Illinois Long Term Care Partnership Program, and for meeting Medicaid or Department of Insurance audit requirements.

I understand that the information contained in these records will be used for no purpose other than those stated above, and will be kept strictly confidential by the State of Illinois.

(Signature of Applicant(s))."

- 4) Received a description regarding mandatory inflation protection that shall be in the following format:

"NOTICE TO APPLICANT REGARDING
MANDATORY INFLATION PROTECTION

All Long-Term Care Partnership policies provide for automatic increases in daily coverage benefits of at least 5% per year compounded. Companies may offer greater inflation protection. Depending on the option you choose to automatically inflate daily coverage benefits, premiums may rise over the life of the policy [certificate]. [Insert insurer name] will provide you with a graphic comparison showing the differences between a policy inflating at 5% and a policy inflating at a greater percentage, over at least a twenty (20) year period."

- c) Report to the DOI all sales involving replacement of existing policies and certificates by long-term care partnership policies or certificates quarterly to include:
- 1) The name and address of the insured.
 - 2) The name of the company whose policy or certificate is being replaced.
 - 3) The name of the producer replacing the coverage.

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- 4) This report shall also include a comparison of the coverage issued with that being replaced, including a comparison of premiums and an explanation of how the replacement was beneficial to the insured. The replacing insurer shall not cancel, nonrenew, or rescind a replacement long-term care partnership policy or certificate for any reason other than nonpayment of premium, material misrepresentation, or fraud.

d) Provide producer training as follows:

- 1) Provide written evidence to the DOI that procedures are in place to assure that no producer will be authorized to market, sell, solicit, or otherwise contact any person for the purpose of marketing a long-term care partnership policy or certificate unless the producer has completed twelve (12) hours of training on long-term care insurance, in general, and the Illinois long-term care program specifically titled "Long Term Care Partnership Policy" as prescribed in Exhibit B (50 Ill. Adm. Code 3119). This course cannot be included as part of any other certified continuing education course. Such assurances shall be in the form of a properly completed document, Exhibit D (50 Ill. Adm. Code 3119), signed by the producer and the authorized signature for the provider of the education attesting to the successful completion of the required training and submitted to the DOI. The course of study content requirements appearing in Exhibit A shall be satisfied.
- 2) The required training hours shall qualify as part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code (215 ILCS 5/494.1(c)) only if the training course has been certified under 50 Ill. Adm. Code 3119.30(a). Each provider shall submit their request for certification to the Director on a form prescribed by Exhibit B (50 Ill. Adm. Code 3119.30(a)) at least 30 days prior to any course being offered. All educational providers and training courses qualifying for continuing education credit shall be renewed on an annual basis.
- e) Include a statement on the outline of coverage, the

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policy or certificate application, and the front page of the long-term care partnership policy or certificate in bold type and in a separate box as follows: "THIS POLICY [CERTIFICATE] IS APPROVED UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP INSURANCE PROGRAM FOR MEDICAID ASSET PROTECTION."

f) Long-term care insurance policies or certificates sold after July 1, 1994, that are not under the Illinois long-term care partnership program must include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in bold type and in a separate box as follows: "THIS POLICY [CERTIFICATE] IS NOT APPROVED FOR MEDICAID ASSET PROTECTION UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM. HOWEVER, THIS POLICY [CERTIFICATE] IS AN APPROVED LONG-TERM CARE POLICY [CERTIFICATE] UNDER STATE INSURANCE REGULATIONS. FOR INFORMATION ABOUT POLICIES AND CERTIFICATES APPROVED UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM, CALL THE SENIOR HELPLINE AT THE DEPARTMENT ON AGING AT 1-800-252-8966."

g) Provide that no long-term care partnership policy or certificate shall be sold, transferred, or otherwise ceded to another insurer without first having obtained approval from the Director.

h) Except as provided below, an insurer shall continue to make available for purchase any policy or certificate issued that has been approved by the Director. The following describes the process and result of discontinuing the availability of a policy or certificate:

1) An insurer may discontinue the availability of a policy or certificate if the insurer provides the Director, in writing, its decision at least thirty (30) days prior to discontinuing the availability of the policy or certificate. The following shall be considered a discontinuance of the availability of a policy or certificate:

- A) The sale or other transfer of a policy or certificate to another insurer.
- B) A change in the rating structure or methodology

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unless the insurer complies with the following requirements:

i) The insurer shall provide an actuarial memorandum which contains a complete description of the current rating methodology including all assumptions underlying the current rates, and a complete description of the revised rating methodology including all assumptions underlying the rates proposed under the revised rating methodology, and actuarial justification, i.e., experience studies, general population data, etc., for each of the assumptions that are different than the corresponding assumptions underlying the current rates, and a demonstration of actuarial relationship between the current and proposed rates using the distribution of current insureds, and an identification of the rating cells, i.e., age, sex, etc., which experience the greatest change in rates due to the change in rating methodology, and a demonstration that the rates based on the new rating methodology meet the loss ratio requirements of the Part, and any other relevant information. The actuarial memorandum should identify the actuary responsible for establishing the change in rating methodology and be signed by the actuary.

ii) The insurer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates, as described in the actuarial memorandum to change.

2) An insurer that discontinues the availability of a policy or certificate under subparagraph (1) above shall not file for approval of a new long-term care partnership policy or certificate for a period of five (5) years after the insurer provides notice to the Director of the discontinuance.

Section 2018.90 Minimum Benefit Standards for Qualifying Policies and Certificates

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No long-term care partnership policy or certificate shall be advertised, solicited, or issued for delivery in this State as a long-term care partnership policy or certificate which does not meet the minimum benefit standards of this Section, and which has not been approved by the Director. These minimum standards do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards. These standards are in addition to all other requirements of this Part. In order to participate in the Illinois long-term care partnership program, a policy or certificate shall meet the following:

- a) Contain a minimum daily benefit amount as defined in Section 2018.30(v);
- b) Provide that benefits be available in dollars, and not in days of care;
- c) Include a provision for inflation protection which satisfies the following criteria:
 - 1) Inflation protection benefit increases shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the long-term care partnership policy or certificate.
 - 2) The long-term care partnership policy or certificate provides for automatic increases in the per diem dollar level at least five percent (5%) compounded annually over the previous year for each year that the contract is in force and the insurer shall notify the policyholder or certificateholder when the increases are automatically effective.
 - 3) Any premium increases shall be based on the age of the policyholder or certificateholder at the time of issuance of the policy or certificate.
- d) Provide that the unused maximum benefit amount of the long-term care partnership policy or certificate increase proportionately with the inflation protection requirements of subsection (c) above.
- e) Provide the following upon the initial effective date:
 - 1) A daily nursing facility benefit of at least

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seventy-five percent (75%) of the average daily private pay rate in nursing facilities rounded to the next highest five dollar (\$5) increment.

- 2) A home and community based benefit of at least fifty percent (50%) of the monthly nursing facility benefit contained in the long-term care partnership policy or certificate. The home and community based benefit shall not exceed the monthly nursing facility benefit.
- f) No policy or certificate shall pay benefits in excess of the actual charges.
- g) Payment for nursing facility services and home care is the lesser of the contracted insurance benefit or the actual charge.

Section 2018.100 Right to Appeal

- a) All appeals shall be reviewed by the DoA and referred to the appropriate participating state agency for processing when necessary.
- b) An individual who applies for or receives coverage under any long-term care partnership policy has the right to appeal the following:
 - 1) Denial of coverage to the DoA and DOI.
 - 2) Denial of benefits to DoA, DOI and DORS.
 - 3) The Plan of Care to DoA and DORS.
- c) An applicant, policyholder or certificateholder shall be given a copy of an explanation of the right to appeal during the initial visit with an insurance producer or upon request.

Section 2018.110 Required Policy and Certificate Provisions

All long-term care partnership policies and certificates shall meet the following requirements:

- a) Charge premiums based on the issue age of the applicant at the time of policy or certificate issuance, not the attained age of the insured.

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- b) Include a provision that the long-term care policy or certificate shall utilize the insured event criteria, defined in Section 2018.30 of this Part, for determining eligibility for benefits and for determining the amount of asset disregard. Approval for admission to a nursing facility under the Illinois preadmission screening program shall be deemed sufficient, but not necessary to meet this insured event criteria.
- c) Include a provision that the long-term care partnership policy or certificate benefits can be used to purchase nursing facility care or home and community based care. Home and community based care shall include those services listed in Section 2018.30 of this Part.
- d) Include a provision that the insurer will provide to the insured reports of asset protection as defined in Section 2018.140 of this Part, and service summaries as defined in Section 2018.150 of this Part to enable the insured to establish the amount of Asset Disregard.
- e) Include a provision which allows for a thirty (30) day period within which coverage may be cancelled by the insured by delivering or mailing the evidence of coverage to the insurer or the producer through whom it was effected for a full refund of any premium that was paid. The long-term care partnership policy or certificate shall have a notice prominently printed on the first page of the policy or certificate, or attached thereto, stating that the policyholder or certificateholder shall have the right to return the policy or certificate to the insurer or its producer for cancellation within thirty (30) days of its delivery and to have the premium refunded if, after examination of the long-term care partnership policy or certificate, the insured person is not satisfied for any reason.
- f) Include a provision which, in the event the policy or certificate is about to lapse or the policy or certificate is about to lose qualification status under Section 2018.30 of this Part, offers the long-term care partnership policyholder or certificateholder the option to reduce coverage to a lower benefit amount. However, this benefit amount offer, plus the amount of benefits used to date, shall not be less than the minimum benefit amount requirement specified in Section

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- 2018.30 of this Part. The insurer need only allow this offer to be exercised one (1) time. Premiums shall be based on the age of the long-term care partnership policyholder or certificateholder at the time of the issuance of the original policy or certificate.
- g) Include a provision that, upon sale of a long-term care partnership policy or certificate, the insurer shall do the following:
- 1) Offer to collect and maintain the name and address of an individual designated as an authorized designee, by the purchaser, to be notified when a policy or certificate lapse is imminent. The insurer shall obtain a signed statement from purchasers who do not choose to exercise their right to designate an authorized designee. Such statement shall also include that the purchaser(s) have been offered this opportunity and declined. It shall be the insurer's responsibility to notify such designee prior to cancelling a long-term care partnership policy or certificate due to lack of premium payment. The designee notification shall occur no later than fifteen (15) days after the beginning of the thirty (30) day grace period for premium payments. The insurer shall permit the long-term care partnership policyholder or certificateholder to no less often than once every 2 years update the authorized designee.
 - 2) Allow for the insured to request, within 5 months after termination, reinstatement of their long-term care partnership policy or certificate when such policy or certificate has lapsed due to nonpayment of premium, who has a cognitive impairment, and who has paid all due and unpaid premiums. The reinstated long-term care partnership policy or certificate shall have the same benefits, terms, and premiums as the policy or certificate which lapsed.
 - h) Include a provision that benefits shall only be paid after the payment of all other benefits to which the long-term care partnership policyholder or certificateholder is otherwise entitled, excluding Medicaid. The insurer shall make efforts to determine whether benefits are available from other long-term

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care partnership policies or certificates or from Medicare.

- i) Include a provision that the policy form shall not be changed or otherwise modified without the signed acceptance of the policyholder, or include a provision that the certificate issued under a group long-term care partnership policy shall not be changed or otherwise modified without the signed acceptance of the certificateholder.
- j) Include a provision that the benefits shall be determined and established by the Case Management Agency through the development of an authorized Plan of Care.

Section 2018.120 Reporting Requirements

The requirements of this Section refer to insurer documentation and reporting requirements for long-term care partnership policies and certificates. The reports shall be submitted for each person entitled to benefits under a long-term care partnership policy or certificate. The report shall conform with the Long-Term Care Insurance Uniform Data Set (February 15, 1993, revised November 30, 1993) established for Robert Wood Johnson Foundation Projects in a manner and form prescribed by the DOI. Insurers may receive a copy of the data set upon request to the DOI, at a charge.

Section 2018.130 Maintaining Auditing Information

- a) Every insurer shall maintain information as required by subsection (f) below, on all long-term care partnership policyholders or certificateholders who have ever received any benefit under the policy or certificate. Such information shall be updated at least quarterly. This requirement for updating shall not require the conduct of any assessment, reassessment, or other evaluation of the long-term care partnership policyholder's or certificateholder's condition which is not otherwise required.
- b) When a long-term care partnership policyholder or certificateholder who has received any benefit dies or lapses their long-term care partnership policy or certificate for any reason, the insurer shall retain the required information for a period of at least five

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(5) years after the time when the policy was in force. Unless notified by the DOI to the contrary during this period, after the expiration of five (5) years, the service summary provided by the insurer will be deemed to comply with all asset protection reporting, record keeping, and auditing requirements of this Part. The insurer may use microfiche, microfilm, optical storage media, or any other cost effective method of record storage as alternatives to storage of paper copies.

- c) At the time the long-term care partnership policy or certificate ceases to be in force, the insurer shall notify the policyholder or certificateholder of their right to request a copy of their service records as required by subsection (f) below.
- d) The insurer shall also, upon request in writing, provide such policyholder or certificateholder or the policyholder's or certificateholder's authorized designee, if any, with a copy of the insurer's service records as required by subsection (f) below which are necessary to establish the asset disregard. These records shall be provided, within sixty (60) days of a request.
- e) The insurer shall enclose with the records a statement advising the former long-term care partnership policyholder or certificateholder that it is in their best interest to retain the records if they ever wish to establish eligibility for Medicaid.
- f) The information to be maintained includes the following:
 - 1) Evidence that the insured event has taken place. The occurrence of the insured event shall be documented by case management agency staff, as part of the initial assessment of the client or as part of a subsequent reassessment.
 - 2) Description of services provided under the long-term care partnership policy or certificate, including the following:
 - A) Name, address, phone number, and professional license number, if applicable, of provider.

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- B) Amount, date, and type of services provided, and whether the services qualify for asset protection.
- C) Dollar amounts paid by the insurer, whether on an indemnity, expense incurred, or other basis.
- D) The charges of the service providers, including copies of all invoices for services counting toward asset protection.
- E) Identification of the case management agency, if applicable, and copies of all assessments and reassessments.
- F) Determination of whether the long-term care partnership policyholder or certificateholder was a qualified insured at the time of benefit payment. The insurer may rely on written representation by the long-term care partnership policyholder or certificateholder as to whether they have had the required coverages defined in this Part.
- 3) In order for home and community based services to qualify for asset protection, these services shall be in accord with a Plan of Care developed by a case management agency. If the long-term care partnership policyholder or certificateholder has received any benefits delivered as part of a Plan of Care, the insurer shall retain the following:
- A) A copy of the original Plan of Care and the Determination of Need.
 - B) A copy of the Plan of Care required by DoA or DORS.
 - C) A copy of any changes made in the Plan of Care. The Plan of Care shall document that the changes are required by changes in the client's medical situation, cognitive abilities, or the availability of social supports. Such services shall count towards asset protection after the case management agency adds the documented need for and description of the new services to the Plan of Care.

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Section 2018.140 Reporting on Asset Protection

- a) Every insurer shall send an asset protection report at least quarterly to each long-term care partnership policyholder or certificateholder who has received any benefits since the last asset protection report. Each asset protection report shall include the following information:

- 1) The amount of asset protection for which the long-term care partnership policyholder or certificateholder had qualified prior to the quarter covered by the current report.
- 2) The total benefits paid by the insurer for services rendered during the current quarter.
- 3) A statement of the amount of benefits paid by the insurer for services rendered during the current quarter which qualify for asset protection.
- 4) A summary total of the amount paid to date under the long-term care partnership policy or certificate which qualifies for asset protection.
- b) Asset protection reports shall be subject to audit by the Director.

Section 2018.150 Preparing a Service Summary

- a) Every insurer shall prepare a service summary at the insured's request specifically for the policyholder or certificateholder applying for Medicaid. The insurer shall also prepare a service summary when the policyholder or certificateholder has exhausted their benefits under the long-term care partnership policy or certificate or when the policy or certificate ceases to be in force for a reason other than the death of the policyholder or certificateholder, whichever occurs first.
- b) This Service Summary is separate and in addition to the information requirements of Section 2018.130. The service summary shall identify the following:
- 1) The specific long-term care partnership policy or certificate.

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- 2) The total benefits paid for services rendered to date.
- 3) The amount qualifying for asset protection.
- c) A copy of the service summary shall be sent to the DPA 30 days before the exhaustion of the benefits.

Section 2018.160 Plan of Action

Every insurer shall submit to the DOI a plan for complying with the information maintenance and documentation requirements set forth in this Part. The documentation plan shall include the following:

- a) The location where records will be kept. Records required for purposes of the Illinois long term care partnership program shall be available at no more than three (3) locations, each of which shall be easily accessible to the Department of Insurance.

- b) The insurer shall agree to give the Director, or their appointed designee, access to all information described in this Part on an aggregate basis for all long-term care partnership policyholders or certificateholders and on an individual basis for all policyholders or certificateholders who have ever received any benefits. Access to information on persons who have not applied for Medicaid is required in order for the Director, or their appointed designee, to determine if an insurer's system for documenting asset protection is functioning correctly. The Director shall have the final decision concerning the frequency of access to the data and the size of samples for auditing or other purposes.

- c) The name, job title, address, and telephone number of the person primarily responsible for the maintenance of the information required and for acting as liaison with DPA and the DOI covering the information.

- d) Methods for determining when insurance benefits or prepaid benefits qualify for asset protection, shall include the following:

- 1) Documentation of the insured event.

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- 2) Description of services.
- 3) Documentation of charges and benefits paid.
- 4) Documentation of plans of care, when required.
- e) Description of electronic and manual systems which will be used in maintaining the required information.
- f) Information that will be retained which is needed to comply with this Part.
- g) Copies of forms and descriptions of standard procedures for maintaining and reporting the information required, including the specific electronic medium which will be used to report required information and a description of the relevant files.

Section 2018.170 Auditing and Correcting Deficiencies in Insurer Recordkeeping

The Director shall consult with DPA for all audits and examinations that may be required to determine compliance with this Section.

Section 2018.180 Loss Ratio

Benefits under group and individual direct response and individual long-term care partnership policies shall be deemed reasonable in relation to premiums provided the lifetime anticipated loss ratio is at least sixty percent (60%), calculated on the basis of the ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. In evaluating the lifetime anticipated loss ratio, consideration shall be given to the following factors:

- a) Statistical credibility of incurred claims experience based on the following factors: claim rates, variability in transaction costs, and number of lives exposed;
- b) The period for which rates are computed to provide coverage;
- c) Experienced and projected trends;

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- d) Concentration of experience within early policy duration;
- e) Expected claim fluctuation;
- f) Experience refunds, adjustments or dividends;
- g) Renewability features;
- h) Interest;
- i) Experimental nature of the coverage;
- j) Product features such as long elimination periods (period between when the claim arises and insured is eligible to receive benefits), high deductibles and high maximum limits.

Section 2018.190 Appropriateness of Recommended Purchase

In recommending the purchase or replacement of any long-term care partnership policy or certificate, an insurance producer shall make efforts to determine the appropriateness of a recommended purchase or replacement, and the self-assessment guide available from DoA or DOI shall be provided.

Section 2018.200 Prohibition Against Pre-Existing Conditions and Probationary Periods in Replacement Policies or Certificates

If a long-term care partnership policy or certificate replaces another long-term care partnership policy or certificate, the replacing insurer shall waive any time periods applicable to pre-existing conditions and probationary periods in the new long-term care partnership policy for similar benefits to the extent that exclusions have been satisfied under the original partnership policy.

Section 2018.210 Standard Format Outline of Coverage Requirements

This Section implements, interprets and makes specific the provisions of Section 351A-8 of the Illinois Insurance Code (215 ILCS 5/351A-8) in prescribing a standard format and the content of an outline of coverage.

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- a) The outline of coverage shall be a free-standing document, using no smaller than ten point type.
- b) The outline of coverage shall contain only the provisions found within the policy itself.
- c) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
- d) Use of the text and sequence of text of the standard format outline of coverage is mandatory.
- e) The standard format, including style, arrangement and overall appearance, and the content of an outline of coverage appears in Exhibit B.

Section 2018.220 Requirement to Deliver Shopper's Guide

A long-term care partnership insurance shopper's guide shall be provided to all prospective applicants of a long-term care partnership policy or certificate.

Section 2018.230 Penalties

Pursuant to Section 351A-11 of the Illinois Insurance Code (215 ILCS 5/351A-11) if an insurer or insurance producer is found to have violated any requirement of this State relating to the regulation of long-term care partnership policies or certificates, or the marketing of such insurance shall be subject to a fine of up to three (3) times the amount of any commissions paid for each policy involved in the violation, or up to \$10,000, whichever is greater.

Section 2018.Exhibit A Class of Insurance - Accident/Health Course of Study Content Requirements for Long-Term Care Partnership Policies:

- a) Traditional Long-Term Care Policies vs. Long-Term Care Partnership Policies
- b) Policy Provisions, Options and Benefits
- c) Long-Term Care Range of Services

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- d) Nursing home care levels, costs, options and nursing home prescreening
- e) Medicaid eligibility and long-term care
- f) Medicaid regulations on spend down and asset transfer
- g) Estate recovery by Department of Public Aid
- h) Suitability of long-term partnership policy considering amount of assets owned

Section 2018. Exhibit C Standard Format-Outline of Coverage

[COMPANY NAME]

[ADDRESS - CITY & STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE PARTNERSHIP INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).
2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!
3. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.

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- a) For long-term care partnership policies or certificates include the following permissible policy renewability provisions: Policies and certificates that are guaranteed renewable shall contain the following statement: RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your policy [certificate], to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.
- b) For group coverage, specifically include continuation/conversion provisions applicable to the certificate and group policy;
- c) Include waiver of premium provisions or state that there are no such provisions;
- d) State whether or not the company has a right to change premium, and if such right exists, include each circumstance under which premium may change.
4. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED. [Provide a brief description of the right to return -- "free look" provision of the policy.]
5. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company. [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.
6. LONG-TERM CARE PARTNERSHIP COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.
7. BENEFITS PROVIDED BY THIS POLICY.
- a) [Covered services, related deductible(s), waiting

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

periods, elimination periods and benefit maximums.]

- b) [Institutional benefits, by skill level.]
- c) [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this Section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long-term care, then these qualifying criteria or screens must be explained.]

8. LIMITATIONS AND EXCLUSIONS.

[Describe:

- a) Preexisting conditions;
- b) Non-eligible facilities/provider;
- c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);
- d) Exclusions/exceptions;
- e) Limitations.]

[This Section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.]

9. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

- a) That the benefit level will not increase over time;
- b) Any automatic benefit adjustment provisions;

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

- c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;
- d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;
- e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

11. PREMIUM.

- a) State the total annual premium for the policy;
- b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

12. ADDITIONAL FEATURES.

- a) Indicate if medical underwriting is used;
- b) Describe other important features.]

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pre-Licensing and Continuing Education

2) Code Citation: 50 Ill. Adm. Code 3119

3) Section Numbers: Proposed Action:

3119.Exhibit B Amended

4) Statutory Authority: Implementing Section 494.1 and authorized by Section 401 of the Illinois Insurance Code, (215 ILCS 5/494.1 and 401).

5) A Complete Description of the Subjects and Issues Involved:
This rule is being amended to implement new requirements being proposed under Part 2018.80(d), Long-Term Care Partnership Insurance.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment will not require the Department to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Fuchs, Paralegal
Department of Insurance
320 West Washington
Springfield, Illinois 62767

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCER, LIMITED
INSURANCE REPRESENTATIVES AND
REGISTERED FIRMS

PART 3119
PRE-LICENSING AND CONTINUING EDUCATION

- Section
3119.10 Purpose
3119.20 Definitions
3119.30 Provider Responsibilities
3119.40 Responsibilities of Applicants for Insurance
Producer Licenses and Licensed Insurance Producers
Pre-Licensing - Course of Study Requirements
3119.50 Continuing Education Requirements
3119.60 Course and Provider Disqualification
3119.70 Severability
3119.80
3119.EXHIBIT A REQUEST FOR CERTIFICATION OF A PRE-LICENSING
COURSE
3119.EXHIBIT B REQUEST FOR CERTIFICATION OF A CONTINUING
EDUCATION COURSE
3119.EXHIBIT C PRE-LICENSING EDUCATION - PROOF OF COMPLETION
3119.EXHIBIT D CONTINUING EDUCATION - PROOF OF COMPLETION
3119.EXHIBIT E CLASS OF INSURANCE - LIFE
3119.EXHIBIT F CLASS OF INSURANCE - ACCIDENT/HEALTH
3119.EXHIBIT G COURSE OF STUDY - FIRE
3119.EXHIBIT H COURSE OF STUDY - CASUALTY/MOTOR VEHICLE

AUTHORITY: Implementing Section 143 494.1 and authorized by
Section 401 of the Illinois Insurance Code (Ill. Rev. Stat.
198991, ch. 73, pars. 755; 1065.41-1 and 1013) [215 ILCS
5/494.1 and 401].

SOURCE: Adopted at 9 Ill. Reg. 80, effective January 1, 1985;
amended at 15 Ill. Reg. 69 effective January 1, 1991; amended
at 16 Ill. Reg. 126 effective January 1, 1992; amended at 18
Ill. Reg. _____, effective _____.

SECTION 3119.EXHIBIT B REQUEST FOR CERTIFICATION OF A
CONTINUING EDUCATION COURSE

ILLINOIS DEPARTMENT OF INSURANCE
320 WEST WASHINGTON STREET
SPRINGFIELD, ILLINOIS 62767

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

EFFECTIVE: 01/01/91

PROVIDER'S NAME: _____

FEDERAL EMPLOYERS I.D./SOCIAL SECURITY NO.: _____

PROVIDER'S ADDRESS: _____

PROVIDER'S TELEPHONE: _____

COURSE TITLE: _____

FIRST DATE COURSE TO BE OFFERED: _____

CLASS OF INSURANCE TO WHICH COURSE IS APPLICABLE:

LIFE _____ ACCIDENT & HEALTH _____ PROPERTY _____ CASUALTY _____ MOTOR VEHICLE _____
LONG-TERM CARE PARTNERSHIP _____

INSTRUCTION METHOD/HOURS

NUMBER OF CLASSROOM HOURS _____ INSTRUCTION METHOD _____ SUPERVISED

NUMBER OF SEMINAR HOURS _____ NON-SUPERVISED

NUMBER OF CORRESPONDENCE (SELF-STUDY) HOURS _____ NO EXAMINATION
(NOTE: MUST HAVE EXAMINATION)

NUMBER OF OTHER HOURS (EXPLAIN) _____

NUMBER OF EXAMINATION HOURS _____

TOTAL NUMBER OF HOURS REQUESTED _____

IS COURSE AVAILABLE TO PUBLIC _____ YES _____ NO

IF USING A PUBLISHER'S COURSE, SUBMIT A COPY OF TITLE PAGE AND PAGE WITH
DATE OF COPYRIGHT. IF NOT USING PUBLISHER'S TEXT, SUBMIT COURSE OUTLINE.

OTHER STATES THAT HAVE APPROVED THIS CONTINUING EDUCATION COURSE:

STATES _____ HOURS APPROVED _____

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

We do certify that this course meets all of the applicable requirements of Part 3119 and that we will maintain and provide students all applicable records required by Part 3119. We understand that failure to comply with the requirements of Part 3119 shall result in our disqualification.

Signature _____

Name _____

Title _____

Date Submitted _____

FOR USE BY THE OFFICE OF THE DIRECTOR OF INSURANCE ONLY

_____ Course certified for _____ continuing education credit hours.

_____ Course not certified for continuing education credit hours.

Comments:

By: _____
(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Certification under Medicaid Rehabilitation Option for Early Intervention Programs

2) Code Citation: 59 Ill. Adm. Code 122

3) Section Numbers: Proposed Action:

122.65

Amended

4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9].

5) A Complete Description of the Subjects and Issues Involved: As a result of an audit conducted by the U.S. Health Care Financing Administration in March 1993, the Department agreed to allow the Department of Public Aid to conduct recipient and provider administrative hearings and to issue the final administrative decision in order to conform to Medicaid regulations. Those regulations require the single State Medicaid agency to hold provider and recipient hearings. The Department of Public Aid is the single State Medicaid agency in Illinois. This amendment is being proposed in response to that agreement.

6) Will this proposed amendment replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.
This proposed amendment does not contain any incorporations by reference.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].)

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Judith Hollenberg, Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 403 Stratton Building, Springfield, IL 62765, telephone (217) 785-3313.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Upon publication in the Illinois Register.
- B) Types of small business affected: Community agencies which provide services to the developmentally disabled eligible for the Early Intervention Program under the Medicaid Rehabilitation Option.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 122

CERTIFICATION UNDER MEDICAID REHABILITATION OPTION
FOR EARLY INTERVENTION PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	Purpose
122.10	Incorporation by reference
122.15	Definitions
122.20	General requirements
122.25	Administrative requirements
122.30.	Eligibility, notice requirements and timeframes for compliance
122.31	Recordkeeping
122.35	

SUBPART B: CERTIFICATION REQUIREMENTS

122.40	Provider application and initial certification process
122.45	Provider recertification and reviews
122.50	Certification for additional services and/or new site(s)
122.55	Suspension of certification
122.60	Termination of certification
122.65	Certification appeal criteria and process
122.70	Rate setting

SUBPART C: OPERATIONAL PROCEDURES

122.75	Assessment
122.80	Individualized family service plan (IFSP) development and modification
122.85	Transdisciplinary or interdisciplinary team

122. APPENDIX A	Early Intervention Services Provider Certification Application Components
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NOTE: Boldface type denotes statutory language.

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act (~~III. Rev. Stat. 1991, ch. 23, par. 4159~~) [325 ILCS 20/9].

SOURCE: Adopted at 17 Ill. Reg. 4236, effective March 23, 1993; amended at 18 Ill. Reg. _____, effective _____.

DEPARTMENT OF MENTAL HEALTH AND
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NOTICE OF PROPOSED AMENDMENT

Section 122.65 Certification appeal criteria and process

a) Grounds for appeal by the provider are:

- 1) Determination of non-compliance with this Part; or
- 2) Refusal to issue certification; or
- 3) Refusal to issue recertification; or
- 4) Suspension or termination of any or all early intervention services.

b) Certification appeal criteria and process

- 1) If the Department determines that certification or the recertification should not be issued or that certification should be suspended or terminated during a certification period because of non-compliance with the provisions of this Part, the Department shall send, by registered mail, written notice to the applicant or the certified provider within 30 days after the determination. The notice shall contain the specific requirements with which the provider has not complied, and the Department's proposed action, and provider rights as follows:

A) If the applicant or certified provider chooses to appeal the Department's decision, the applicant or provider shall submit a written request for a hearing to the Department within 20 days after the date of receipt of the notice.

B) If an appeal is initiated by a certified provider, services shall be continued pending a final administrative decision.

2) C) If the applicant or certified provider does not submit a request for a hearing, as provided in this Part or if after conducting the hearing the Department determines that the certification or recertification should not be issued or that the certification should be suspended or terminated, the Department shall issue an order to that effect. If the order is to suspend or terminate the certification, it shall specify that the order takes effect upon receipt by the certified provider.

2) The Department shall schedule a hearing within 20 days after receipt of the request for appeal. The applicant or the provider and the applicant's or provider's representative, hereinafter referred to as the appellant, shall be notified by registered mail

DEPARTMENT OF MENTAL HEALTH AND
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NOTICE OF PROPOSED AMENDMENT

at least 10 days before the hearing. The notice of hearing shall include:

- A) The date, time, and place of the hearing;
- B) The legal authority to hold the hearing;
- C) The reference to the particular Sections of the statutes or rules involved; and
- D) A short statement of the matters asserted.

3) Each hearing shall be conducted at a time, date and place reasonably convenient to the appellant.

4) The hearing shall be conducted by an impartial hearing officer authorized by the Director to conduct such hearings. The officer shall not have participated in the decision under appeal.

5) The hearing officer, at his or her sole discretion, may grant continuances of the hearing, not to exceed two, at the request of either the appellant or the Department.

6) The Department shall tape record the hearing. A copy of the recording shall be given to the appellant if the appellant so requests no later than five days after the hearing officer makes his or her decision. The appellant must request a copy of the recording no later than 72 hours after receipt of the decision if a copy is so desired. The Department shall charge the appellant for the cost of the tape.

7) At the hearing both parties may present written and oral evidence. The appellant may be represented by the person of his or her choice. The Department shall have the burden of proving that there was substantial evidence of non-compliance with these standards. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion. The Department shall present its evidence first, then the appellant shall present evidence.

8) Evidence

A) The hearing officer shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely.

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8) Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any other party or witness. Questions impeaching the witness' character or credentials shall be improper.

9) The hearing officer shall only consider evidence presented at the hearing in making his or her decision as to whether the Department sustained its burden of proof. The hearing officer shall uphold, reverse or modify the Department's decision or determine that the Department lacks jurisdiction. Within five days after the hearing, the hearing officer shall submit his or her written decision, that shall include a statement of facts concerning the appeal and conclusions, to the Department. A copy of the decision shall be sent to the appellant at the same time it is submitted to the Department.

10) In the event the appellant does not appear at the hearing, the appeal shall be deemed abandoned and shall be dismissed by the hearing officer. The hearing officer shall send written notice of the dismissal to the appellant.

11) If the appellant is not satisfied with the hearing officer's decision, the appellant may request a review of the decision by the Director or his or her designee. The request must be made in writing to the Director or his or her designee no later than 10 days after receipt of the hearing officer's decision. The request shall clearly state the appellant's objections to the decision.

12) The record shall include those items required by Section 10-35 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1010-35) [5 ILCS 100/10-35].

13) Upon receipt of the request for review, the Director or his or her designee shall review the hearing officer's decision and the record of the hearing. After consideration of all the evidence, the Director or his or her designee shall issue a written decision upholding, reversing, modifying or remanding the hearing officer's decision and setting forth the facts of the appeal and the bases for the decision. The Director or his or her designee shall issue a written decision within 20 days after receipt of the request for review, and copies shall be sent to the appellant. The Director shall uphold the decision if he or she determines that the procedures set out in this Section were properly followed and that the decision was supported by substantial evidence. The Director's or his or her designee's decision shall constitute a final administrative decision.

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NOTICE OF PROPOSED AMENDMENT

14) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law (Ill. Rev. Stat. 1981, ch. 110, par. 3-101 et seq.) [735 ILCS 5/3-101].

c) Hearing process

1) The hearing shall be conducted by an impartial administrative law judge appointed by the Department of Public Aid (DPA).

2) DPA's hearing rules for medical vendor hearings, as set forth at 89 Ill. Adm. Code 104.200, shall apply except that the following Sections do not apply to these hearings: 104.200, 104.204, 104.206, 104.208, 104.210, 104.216, 104.217, 104.221, 104.260, 104.272, 104.273, and 104.274.

3) The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62765, within 20 days after the date of the decision.

4) The Department shall send a copy of the appeal to the DPA Vendor Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1906 within five calendar days after receiving the appeal.

5) The appellant shall direct all non-written communications relevant to the hearing to the Supervisor of the Department's Hearing and Appeals Unit, who shall send them to the DPA Vendor Hearings Section.

6) At the hearing, the Department shall have the burden of proving that there was substantial evidence of non-compliance with this Part. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion.

7) A recommended decision shall be submitted to the Director and copies mailed to the parties, in accordance with the DPA rule at 89 Ill. Adm. Code 104.290. A copy shall also be mailed to the Supervisor of the Department's Hearing and Appeals Unit.

d) Final administrative decision

The Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.295.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Early Intervention Program
- 2) Code Citation: 59 Ill. Adm. Code 121
- 3) Section Numbers:

<u>Proposed Action:</u>
Amended
Amended
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9].
- 5) A Complete Description of the Subjects and Issues Involved: As a result of an audit conducted by the U.S. Health Care Financing Administration in March 1993, the Department agreed to allow the Department of Public Aid to conduct recipient and provider administrative hearings and to issue the final administrative decision in order to conform to Medicaid regulations. Those regulations require the single State Medicaid agency to hold provider and recipient hearings. The Department of Public Aid is the single State Medicaid agency in Illinois. These amendments are being proposed in response to that agreement.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No. These proposed amendments do not contain any incorporations by reference.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Judith Hollenberg, Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 403 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Upon publication in the Illinois Register.
- B) Types of small business affected: Community agencies which provide services to the developmentally disabled eligible for the early intervention program under the Medicaid Rehabilitation Option.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND
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NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 121

EARLY INTERVENTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

121.10 Purpose
121.15 Incorporation by reference
121.20 Early intervention service principles
121.25 Child and family rights and confidentiality
121.30 Definitions

SUBPART B: PROVIDER REQUIREMENTS

121.35

General requirements
121.40 Environmental management
121.45 Administrative requirements
121.50 Personnel requirements
121.55 Recordkeeping
121.60 Program evaluation
121.65 Utilization review

SUBPART C: OPERATIONAL PROCEDURES AND SERVICES

121.70

Timeframe for completion of process
121.75 Screening and social history
121.80 Assessment
121.85 Eligibility, notice requirements and time frames for compliance
121.90 Individualized family service plan (IFSP) development and modification
121.95 Transdisciplinary or interdisciplinary team
121.100 Early intervention services
121.105 Discharge
121.110 Exit criteria
121.115 Transition process

SUBPART D: HEARINGS AND APPEALS

121.120

Representation
121.125 Notice
121.130 Pre-hearing conference
121.135 Conduct of hearings
121.140 Hearing officer's decision
121.145 Appeal to the Director

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

121. APPENDIX A Utilization Guidelines

NOTE: Boldface type denotes statutory language.

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159) [325 ILCS 20/9].

SOURCE: Adopted at 17 Ill. Reg. 4261, effective March 23, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 121.130 Pre-hearing conference

a) A pre-hearing conference may be scheduled by the ~~hearing officer~~ Department's Hearing and Appeals Unit at its ~~discretion~~ ~~discretion~~ at the request of the appellant pursuant to subsection (b) of this Section. This conference shall be held prior to the hearing and shall be for the purpose of considering:

- 1) The clarification of the issues;
- 2) The possibility of obtaining admissions of fact and documents that would avoid unnecessary proof or testimony;
- 3) The possibility of a resolution of the case without hearing; and
- 4) Any other matters that may aid in the disposition of the appeal.

b) In any proceeding under this Part in which the Department's Hearings and Appeals Unit ~~hearing officer~~ has not scheduled a pre-hearing conference, the appellant or the Department may request the scheduling of a pre-hearing conference. Such request shall be made in writing and received by the hearing officer at least 72 hours prior to the scheduled date of the hearing. On receipt of the request, the Department's Hearings and Appeals Unit ~~hearing officer~~ shall schedule a hearing and notify appellant and respondent of the date, time and place of the conference.

c) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the ~~hearing officer shall issue an order~~ ~~receiving the agreement and dismissing the appeal~~ the appellant shall sign a statement withdrawing the appeal.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

Section 121.135 Conduct of hearings

For appeals initiated by an appellant concerning services, the following procedures apply:

- a) All hearings shall be open to the public, unless the hearing officer determines that personally identifiable information concerning a recipient of developmental disabilities services, as defined by the Code, would be presented at the hearing without the recipient's consent and such information is necessary to the resolution of the hearing.
- b) The hearing officer shall regulate the course of the hearing, hold informal conference for the settlement or definition of the issues, dispose of procedural requests, continue the hearing from time to time when necessary, examine witness, and rule upon the relevancy of evidence.
- c) At the hearing, both parties may present written and oral evidence. The respondent shall have the burden of proving that there was substantial evidence to support its decision. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion. Upon the conclusion of the respondent's presentation, the appellant may present written and oral evidence. Written opening or closing arguments, legal memorandum, trial briefs or similar documents shall not be permitted unless the parties so stipulate. This shall not prohibit the hearing officer, sua sponte or from requesting that certain issues be briefed by the parties.
- d) The hearing officer shall conduct the hearing in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely. Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any party or witness. Questions impeaching the witness' character or credibility shall be improper.

a) The recipient, parents, or guardian may appeal the provider's decision to deny, modify, reduce or discharge from services.

b) The hearing shall be conducted by an impartial hearing officer appointed by the Department of Public Aid (DPA).

c) DPA's hearing rules for assistance appeals, as set forth at 89 Ill. Adm. Code 104 shall apply, except that Sections 121.120, 121.125 and 121.130 of this Part shall apply rather than any similar DPA rule.

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- d) The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62765 within 10 days after the date of the decision.
- e) The Department shall send a copy of the appeal to the DPA Assistance Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1906 within five calendar days after receiving the appeal.
- f) The hearing shall be held at the DPA office nearest the appellant's home unless the appellant, the Department's Hearings and Appeals Unit, and the DPA Assistance Hearings Section agree to hold it elsewhere.
- g) The receipt of the request for an appeal shall stay the Department's decision pending the final administrative decision or the termination of the appeal. If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved.
- h) Following the hearing, the Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA rule at 89 Ill. Adm. Code 104.70. Copies of the decision shall be sent to the appellant, the appellant's representative, if any, and to the Supervisor of the Department's Hearing and Appeals Unit.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medicaid Community Mental Health Services Program
- 2) Code Citation: 59 Ill. Adm. Code 132
- 3) Section Numbers:
132.55
Proposed Action:
Amended
- 4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30 and Section 15.3 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.3].
- 5) A Complete Description of the Subjects and Issues Involved: As a result of an audit conducted by the U.S. Health Care Financing Administration in March 1993, the Department agreed to allow the Department of Public Aid to conduct recipient and provider administrative hearings and to issue the final administrative decision in order to conform to Medicaid regulations. Those regulations require the single State Medicaid agency to hold provider and recipient hearings. The Department of Public Aid is the single State Medicaid agency in Illinois. This amendment is being proposed in response to that agreement.

6) Will this proposed amendment replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No.
This proposed amendment does not contain any incorporations by reference.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Judith Hollenberg, Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 403 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

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- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Upon publication in the Illinois Register.
 - B) Types of small business affected: Community agencies which provide services to the mentally disabled under the Medicaid Rehabilitation Option.
 - C) Reporting, bookkeeping or other procedures required for compliance: None.
 - D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 132
MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
132.10	Purpose
132.15	Incorporation by reference
132.20	Clients' rights and confidentiality
132.25	Definitions
132.30	Application and certification process
132.35	Recertification and reviews
132.40	Certification for additional Medicaid community mental health services and/or new site(s)
132.45	Suspension of certification
132.50	Termination of certification
132.55	Certification appeal criteria and process
132.60	Rate setting

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

132.65	Organizational structure
132.70	Personnel and administrative recordkeeping
132.75	Program evaluation
132.80	Fiscal and statistical
132.85	Recordkeeping
132.90	Provider site(s)

SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES

132.95	Utilization review
132.100	Clinical records
132.105	Continuity and coordination of services
132.110	Availability of services

SUBPART D: CLINIC SERVICES

132.115	Provisions
132.120	Service needs evaluation
132.125	Treatment plan development and modification
132.130	Psychiatric treatment
132.135	Crisis intervention
132.140	Day treatment

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SUBPART E: REHABILITATIVE SERVICES

132.145	Provisions
132.150	Rehabilitative mental health services
132.155	Family intervention, stabilization and reunification services

SUBPART F: CASE MANAGEMENT SERVICES

132.160	Provisions
132.165	Mental health case management services
132.170	Rehabilitative case management

132. APPENDIX A Medicaid Community Mental Health Services Application Components

132. APPENDIX B Utilization Parameters

TABLE A Mental Health Clinic Program Client Services

TABLE B Rehabilitative Mental Health Services

TABLE C Family Intervention, Stabilization and Reunification Services

AUTHORITY: Implementing and authorized by the Community Services Act (44 Rev. Stat. 1901, ch. 91, par. 901 et seq.) [20 ILCS 30], and Section 15.3 of the Department of Mental Health and Developmental Disabilities Act (44 Rev. Stat. 1901, ch. 91, par. 100-15.3) [20 ILCS 1705/15.3].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991 for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. _____.

Section 132.55 Certification appeal criteria and process

a) Grounds for appeal by the provider are:

- 1) Determination of non-compliance with this Part; or
- 2) Refusal to issue certification; or
- 3) Refusal to issue recertification; or
- 4) Suspension or termination of any or all Medicaid community mental health services.

b) Certification appeal criteria and process

- 1) If either the Department or DCFS determines that certification or the recertification should not be issued or that certification should be suspended or terminated during a certification period

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because of non-compliance with the provisions of this Part, either the Department or DCFS shall send, by registered mail, written notice to the applicant or the certified provider within 30 working days after the determination. The notice shall contain the specific requirements the provider has not complied with, and either the Department's or DCFS' proposed action, and provider rights as follows:

- A) If the applicant or certified provider chooses to appeal either the Department's or DCFS' decision, the applicant or provider shall submit a written request for a hearing to the Department or DCFS within 20 working days after the date of receipt of the notice.
- B) If an appeal is initiated by a certified provider, services shall be continued pending a final administrative decision.
- C) If the applicant or certified provider does not submit a request for a hearing, as provided in this Part or if after conducting the hearing either the Department or DCFS determines that the certification or recertification should not be issued or that the certification should be suspended or terminated, either the Department or DCFS shall issue an order to that effect. If the order is to suspend or terminate the certification, it shall specify that the order takes effect upon receipt by the certified provider, and that the provider shall not provide Medicaid community mental health program services during the pendency of any proceeding for judicial review of the Department's or DCFS' decision, except by court order.

2) The Department or DCFS shall schedule a hearing within 20 working days after receipt of the request for appeal. The applicant or the provider and the applicant's or provider's representative, hereinafter referred to as the appellant, shall be notified by registered mail at least 10 working days before the hearing. The notice of hearing shall include:

- A) The date, time, and place of the hearing;
- B) The legal authority to hold the hearing;
- C) The reference to the particular Sections of the statutes or rules involved; and
- D) A short statement of the matters asserted.

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- 2) Each hearing shall be conducted at a time, date and place reasonably convenient to the appellant.
- 4) The hearing shall be conducted by an impartial hearing officer authorized by either the Department Director or DCFS Director to conduct such hearings. The officer shall not have participated in the decision under appeal.
- 5) The hearing officer, at his or her sole discretion, may grant continuances of the hearing, not to exceed two, at the request of either the appellant or the Department or DCFS.
- 6) The Department or DCFS shall tape record the hearing. A copy of the recording shall be given to the appellant if the appellant so requests no later than five working days after the hearing officer makes his or her decision. The appellant must request a copy of the recording no later than 72 hours after receipt of the decision, if a copy is so desired. The Department or DCFS shall charge the appellant for the cost of the tape.
- 7) At the hearing both parties may present written and oral evidence. The appellant may be represented by the person of his or her choice. The Department or DCFS shall have the burden of proving that there was substantial evidence of non-compliance with these standards. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion. The Department or DCFS shall present its evidence first, then the appellant shall present evidence.

8) Evidence

- A) The hearing officer shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely.
- B) Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any other party or witness. Questions impeaching the witness' character or credentials shall be improper.

9) The hearing officer shall only consider evidence presented at the hearing in making his or her decision as to whether either the Department or DCFS sustained its burden of proof. The hearing officer shall uphold, reverse or modify either the Department's or DCFS' decision or determine that either the Department or DCFS lacks jurisdiction. Within five working days after the hearing,

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the hearing officer shall submit his or her written decision, which shall include a statement of facts concerning the appeal and conclusions, to either the Department or DCFS. A copy of the decision shall be sent to the appellant at the same time it is submitted to either the Department or DCFS.

10) In the event the appellant does not appear at the hearing, the appeal shall be deemed abandoned and shall be dismissed by the hearing officer. The hearing officer shall send written notice of the dismissal to the appellant.

11) If the appellant is not satisfied with the hearing officer's decision, the appellant may request a review of the decision by either the Department or DCFS Director or designee. The request must be made in writing to either the Department or DCFS Director or designee no later than 10 working days after receipt of the hearing officer's decision. The request shall briefly state the appellant's objections to the decision.

12) The record shall include those items required by Section 10-35 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-35).

13) Upon receipt of the request for review, either the Department or DCFS Director or designee shall review the hearing officer's decision and the record of the hearing. After consideration of all the evidence, either the Department or DCFS Director or designee shall issue a written decision upholding, reversing, modifying or remanding the hearing officer's decision and setting forth the facts of the appeal and the bases for the decision. Either the Department or DCFS Director or designee shall issue a written decision within 20 working days after receipt of the request for review, and copies shall be sent to the appellant. Either the Department or DCFS Director shall uphold the decision if he or she determines that the procedures set out in this Section were properly followed and that the decision was supported by substantial evidence. Either the Department or DCFS Director's or designee's decision shall constitute a final administrative decision.

14) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.).

c) Hearing process

1) The hearing shall be conducted by an impartial administrative law

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judge appointed by the Department of Public Aid (DPA).

2) DPA's hearing rules for medical vendor hearings at 89 Ill. Adm. Code 104.200 shall apply, except that the following Sections do not apply to these hearings: 104.200, 104.204, 104.206, 104.208, 104.210, 104.216, 104.217, 104.221, 104.260, 104.272, 104.273, and 104.274.

3) The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62765, within 20 working days after the date of the decision.

4) The Department or DCFS shall send a copy of the appeal to the DPA Vendor Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1906 within five days after receiving the appeal.

5) The appellant shall direct all non-written communications relevant to the hearing to the Supervisor of the Department's Hearing and Appeals Unit or to DCFS, who shall send them to the DPA Vendor Hearings Section.

6) At the hearing, the Department or DCFS shall have the burden of proving that there was substantial evidence of non-compliance with this Part. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion.

7) A recommended decision shall be submitted to the DPA Director and copies mailed to the parties, in accordance with DPA's rule at 89 Ill. Adm. Code 104.290. A copy shall also be mailed to the Supervisor of the Department's Hearing and Appeals Unit or to DCFS.

d) Final administration decision

The Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.295.

e) Judicial review

Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law [735 ILCS 5.3-101].

(Source: Amended at 18 Ill. Reg. _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medicaid Home and Community-Based Services for Developmentally Disabled Recipients

- 2) Code Citation: 59 Ill. Adm. Code 120

- 3) Section Numbers:
120.110
Proposed Action:
Amended

- 4) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

- 5) A Complete Description of the Subjects and Issues Involved: As a result of an audit conducted by the U.S. Health Care Financing Administration in March 1993, the Department agreed to allow the Department of Public Aid to conduct recipient and provider administrative hearings and to issue the final administrative decision in order to conform to Medicaid regulations. Those regulations require the single State Medicaid agency to hold provider and recipient hearings. The Department of Public Aid is the single State Medicaid agency in Illinois. This amendment is being proposed in response to that agreement.

- 6) Will this proposed amendment replace an emergency rule currently in effect?
No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.
This proposed amendment does not contain any incorporations by reference.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Judith Hollenberg, Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 403 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

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NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Upon publication in the Illinois Register.
- B) Types of small business affected: Community agencies which provide services to the developmentally disabled under the Medicaid Rehabilitation Option.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 120

MEDICAID HOME AND COMMUNITY-BASED SERVICES
FOR DEVELOPMENTALLY DISABLED RECIPIENTS

SUBPART A: GENERAL PROVISIONS

Section
120.10
120.20
120.30
120.40
120.50Definitions
Purpose
Program description
Service descriptions
Target population

SUBPART B: SYSTEM COMPONENTS

120.60
120.70
120.80
120.90Overview
Service vendor contracts
Program assurances
Department audit

SUBPART C: RECIPIENT RIGHTS AND RESPONSIBILITIES

120.100
120.110
120.120Overview
Appeals and fair hearings
Recipient responsibilities

SUBPART D: OPERATIONAL PROCEDURES

120.130
120.140
120.150
120.160Filing an application
Eligibility criteria
Eligibility determination
Individual habilitation plan

AUTHORITY: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] (4H, Rev. Stat. 1989, ch. 91, par. 903) and Section 5-02(a) of the Illinois Administrative Procedure Act (4H, Rev. Stat. 1989, ch. 127, par. 1005-02(a)), as amended by P.A. 87-838, effective January 24, 1992, and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (4H, Rev. Stat. 1989, ch. 91, par. 5-104) [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] (4H, Rev. Stat. 1989, ch. 91, par. 100-5) and Section 5-02(a) of the Illinois Administrative Procedure Act (4H, Rev. Stat. 1989, ch. 127, par. 1005-02(a)), as amended by P.A. 87-838, effective January 24, 1992.

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SOURCE: Adopted and codified at 7 Ill. Reg. 15630, effective November 9, 1983; emergency amendment at 16 Ill. Reg. 2652, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

Section 120.110 Appeals and fair hearings

Any recipient who applies for or receives services or assistance has the right to appeal and shall be given an explanation of the right to appeal at the time of application and upon request. The recipient may request a fair hearing in accordance with procedures stipulated in 42 CFR 431.1082. The recipient may authorize representation by legal counsel, relative, friend or other spokesperson. For appeals initiated by a recipient concerning services, the following procedures apply:

a) The recipient, parents, or guardian may appeal the following actions:

- 1) Refusal to accept an application or reapplication;
- 2) Failure to act upon an application within the mandated time period;
- 3) Denial of service;
- 4) Suspension, termination, or reduction of services.

b) The recipient, parents or guardian must submit a written request for appeal to be received by the Department within 60 calendar days of the date the Department sends a notice advising the recipient of the above actions taken. The appeal request shall be submitted in writing to the Department. This 60-day limitation does not apply if the Department fails to notify the recipient or fails to take action on a specific request. The hearing shall be conducted by an impartial hearing officer appointed by the Department of Public Aid (DPA).

c) If a written request for appeal is received by the Department within 10 calendar days of the date the notice was sent by the Department, services shall be continued at the level in effect prior to the proposed action pending the results of the fair hearing process. DPA's hearing rules for assistance appeals, as set forth at 89 Ill. Adm. Code 104, shall apply, except that subsection (f) of this Section, shall apply rather than any similar DPA rule.

d) When the notice of appeal is received, the region office will conduct with the appellant or the appellant's representative an informal review of the appealed action to discuss reasons for the appeal and to address resolutions. The appellant and the appellant's representative

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(if the appellant has a representative) shall be notified in writing of the time, date and place of the informal review. The region may reverse, modify or leave unchanged its decision. The appellant or the appellant's representative shall be notified within 10 working days following the informal review. The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62765 within 10 working days after the date of the decision.

e) If the appellant does not withdraw the appeal following the informal review, a formal hearing shall be conducted within 60 days from the date of the filing of the appeal. An appeal hearing shall be conducted by an impartial hearing officer authorized by the Department Director to consider the issue under appeal. The Department shall send a copy of the appeal to the DPA Assistance Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1906 within five calendar days of receiving the appeal.

f) Before and during the hearing, the Department shall permit, in accordance with the Mental Health and Developmental Disabilities Confidentiality Act, the appellant and/or authorized representative to examine the appellant's medical or financial record and to obtain copies of medical or financial record material upon payment of a charge for reproduction. Within 10 working days after the notice of appeal is received, the Department shall conduct an informal review of the appealed action and reverse, modify or leave unchanged its decision. The appellant and the DPA's Assistance Hearings Section shall be notified of the Department's action within five working days after the informal review.

g) Each hearing shall be conducted at a time, date, and place accessible and convenient to the appellant including the appellant's home, if necessary. The Department shall provide preliminary written notice of the hearing to the appellant not less than 10 days before the date of the hearing. The receipt of the request for an appeal shall stay the Department's decision pending the final administrative decision or the termination of the appeal. If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved.

h) The hearing officer must review the record of Department actions or decisions and apply policy to the particular case situation. The final administrative decision either upholds the Department's action and applies policy to the particular case situation, does not uphold the Department's action, or determines a lack of Department jurisdiction. The hearing officer shall prepare a statement of fact supporting its decision. The Department shall send the final administrative decision in writing to the appellant or the appellant's representative and shall

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set forth the facts of the appeal and the basis for decision. This notice must be sent as soon as possible and no later than 90 calendar days from the date of initiation of the appeal unless the appellant has requested a delay in the hearing process. The decision resulting from the appeal shall become a part of the record of the appeal and an official report of the appeal shall be made available by the Department upon request. The hearing shall be held at the DPA office nearest the appellant's home, unless the appellant, the Department's Hearings and Appeals Unit, and the DPA Assistance Hearings Section agree to hold it elsewhere.

i) In the event the appellant or the appellant's authorized representative does not appear at the time, date, and place designated for the hearing, the appeal shall be deemed abandoned and shall be dismissed by the hearing officer. The hearing officer shall inform the appellant and the appellant's authorized representative, if any, of the dismissal by written notices. Following the hearing, the Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.70. Copies of the decision shall be mailed to the appellant, the appellant's representative (if any), and to the Supervisor of the Department's Hearing and Appeals Unit.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: USE OF X-RAYS IN THE HEALING ARTS INCLUDING MEDICAL, DENTAL, PODIATRY, AND VETERINARY MEDICINE
- 2) Code Citation: 32 Ill. Adm. Code 360
- 3) Section Number: Proposed Action:
 360.10 Amendment
 360.20 Amendment
 360.30 Amendment
 360.40 Amendment
 360.50 Amendment
 360.90 Amendment
 360.100 Amendment
 360.110 Amendment
 360.120 Amendment
 APPENDIX A
 TABLE A
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-1 et seq.) [420 ILCS 40].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to: (a) change cross references and update terminology in this Part to conform with recently-adopted amendments to 32 Ill. Adm. Code 310 and 340; (b) update incorporations by reference to show the current address of the American Association of Physicists in Medicine; (c) change the name of the occupation described as "radiation therapy technologist" to "radiation therapist" as used in 32 Ill. Adm. Code 401; (d) add provisions in Sections 360.50 and 360.90 to allow the use of distance to limit radiation doses; (e) adjust the exposure limit table in Section 360.90(b); and (f) reorganize the provisions of Section 360.110(d) to make it clearer to the medical community.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes, the amendment contains material incorporated by reference pursuant to Section 100/5-75(a) of the Administrative Procedure Act [5 ILCS 100/5-75(a)].

DEPARTMENT OF NUCLEAR SAFETY
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- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that these amendments will impact small businesses (i.e., medical and veterinary practices that use x-rays for healing arts purposes), small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.

C) Types of professional skills necessary for compliance: Section 360.20 sets forth the education and experience requirements that must be met by individuals applying ionizing radiation for diagnostic or therapeutic purposes and performing radiation measurements and quality assurance duties at diagnostic imaging facilities.

The full text of the Proposed Amendment begins on the next page

DEPARTMENT OF NUCLEAR SAFETY
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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 360

USE OF X-RAYS IN THE HEALING ARTS INCLUDING MEDICAL, DENTAL,
PODIATRY, AND VETERINARY MEDICINE

Section	Scope
360.10	Definitions
360.20	General Requirements and Administrative Controls
360.30	General Equipment and Operation Requirements for Diagnostic X-Ray Systems
360.40	Additional Requirements for Use of Diagnostic X-Ray Systems in the Healing Arts of Medicine, Podiatry and Chiropractic
360.41	Fluoroscopic Systems
360.50	Radiographic Systems Other Than Fluoroscopic, Dental, Veterinary or Computed Tomography Systems
360.60	Mobile/Portable Radiographic Systems Other Than Systems Used Solely for Mammography (Repealed)
360.70	Computed Tomography (CT) Systems
360.71	Photofluorographic Systems (Repealed)
360.75	Dental Radiographic Systems
360.80	Veterinary Radiographic Systems
360.90	Therapy Systems Operating Below 1 MeV
360.100	Therapy Systems Operating at 1 MeV or Greater
360.110	Medical Radiographic Entrance Exposure Measurement Protocol
360.120	Mammography Dose Measurement Protocol
360.APPENDIX A	Mammography Phantom Image Evaluation
360.APPENDIX B	Computed Tomography Dose Measurement Protocol
360.APPENDIX C	Minimum Quality Control Program for Medical Accelerators
360.APPENDIX D	Thimble and Pancake Chamber-Radiation Measuring Devices
360.APPENDIX E	Mammography Dose Evaluation Graph (Repealed)
360.ILLUSTRATION A	Mammography Dose Evaluation Table
360.ILLUSTRATION B	Half-Value Layer as a Function of Tube Potential
360.TABLE A	Entrance Exposure Limits Per Intraoral Bitewing Film (Repealed)
360.TABLE B	
360.TABLE C	

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-1 et seq.) [420 ILCS 40].

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

SOURCE: Filed April 20, 1974 by the Department of Public Health; old rules repealed, new rules adopted at 4 Ill. Reg. 25, p. 157, effective July 1, 1980; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 16406; amended at 10 Ill. Reg. 13271, effective July 28, 1986; amended at 13 Ill. Reg. 803, effective April 1, 1989; amended at 15 Ill. Reg. 6180, effective April 16, 1991; amended at 17 Ill. Reg. 17972, effective October 15, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 360.10 Scope

- a) This Part establishes requirements for use of x-ray producing devices in the healing arts by a practitioner licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4400-1 et seq.) [225 ILCS 60], the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 2301 et seq.) [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4801 et seq.) [225 ILCS 100], or by a medical radiographer or radiation ~~therapy~~ ^{technology} therapist accredited in accordance with the provisions of 32 Ill. Adm. Code 401.100 or an individual exempt from the provisions of 32 Ill. Adm. Code 401, by Section 401.30 of that Part, acting under the supervision, prescription or direction of such licensed person or the non-human use of x-ray by veterinarians by virtue of the Veterinary Medicine and Surgery Practice Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, pars. 7001 et seq.) [225 ILCS 115]. The provisions of this Part are in addition to, and not in substitution for, other applicable provisions of 32 Ill. Adm. Code 310, 320, 340, 400 and 410.

- b) It is recognized that some installations and equipment designed before the adoption of this Part, coupled with conditions of use, may be adequate to achieve minimum exposures doses. Request for exemption from some provisions of this Part will be considered in accordance with 32 Ill. Adm. Code 310.30(a).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 360.20 Definitions

As used in this Part, the following definitions apply:

"Accelerator (also "particle accelerator")" means any therapeutic machine capable of producing a useful beam of x-rays or charged particles with energies of 1 MeV or greater. Accelerators include cyclotrons, betatrons and linear accelerators.

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"Accelerator facility" means the location at which one or more particle accelerators are installed and are operated under the same administrative control.

"Aluminum equivalent" means the thickness of type 1100 aluminum alloy affording the same attenuation, under specified conditions, as the material in question. The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.

"Applicator" means a structure which determines the extent of the treatment field at a given distance from the source of the beam.

"Attenuation block" means a block or stack, having dimensions 20 centimeters by 20 centimeters by 3.8 centimeters, of aluminum equivalent. Copper may be substituted for aluminum if an appropriate thickness is used for the kVp selected, as indicated below:

kVp	Millimeters of Copper Equivalent to 3.8 centimeters of aluminum
99 or less	2.0
100 to 125	2.5
greater than 125	3.0

"Automatic exposure control" means a device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation (see "Phototimer").

"Barrier" (see "Protective barrier").

"Beam" means a flow of electromagnetic or particulate radiation which passes through the opening in the beam limiting device and which is used for diagnosis or treatment.

"Beam axis" (see "Central axis of the beam").

"Beam-limiting device" means a device which provides a means to restrict the dimensions of the x-ray field (see "Collimator", "Diaphragm" and "Shutter").

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"Beam monitoring system" means a system of devices that will monitor the useful beam during irradiation and will terminate irradiation when a preselected number of monitor units has been accumulated.

"Beam scattering filter" means a filter placed in an electron beam in order to scatter the beam and provide a more uniform distribution of electrons in the beam.

"Central axis of the beam" means the line passing through the source of the beam and the center of the plane formed by the edge of the first beam-limiting device.

"Charged particle beam" (see "Beam").

"Coefficient of variation" means the ratio of the standard deviation to the mean value of a population of observations.

"Collimator" means a device or mechanism by which the x-ray beam is restricted in size (see "Beam-limiting device").

"Computed tomography (CT)" means the production of a tomographic image by the acquisition and computer processing of x-ray transmission data.

"Computed tomography dose index (CTDI)" means the integral of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan.

"Contact therapy system" means an x-ray system used for therapy which is designed for very short treatment distances (5 centimeters or less), usually employing peak tube potentials in the range of 20 to 50 kVp.

"Control panel" means that part or parts of the x-ray system upon which are mounted the switches, knobs, pushbuttons and other hardware necessary for setting the technique factors prior to initiating an x-ray exposure.

"Cathode" means the tube housing assembly, beam limiting devices, detectors and the supporting structures and frames which hold these components.

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"Dead-man switch" means a switch constructed so that a circuit-closing contact can be maintained only by continuous pressure on the switch by the operator.

"Densitometer" means a device which is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Diagnostic imaging specialist" means a person who possesses the knowledge, training and experience to apply the principles of radiological physics to diagnostic x-ray applications. A diagnostic imaging specialist shall meet one of the two criteria below:

Be certified by the American Board of Radiology, the American Board of Medical Physics or the Canadian College of Medical Physics in:

Diagnostic radiological physics; or
Radiological physics.

Be approved by the Department as a qualified nondepartment inspector pursuant to the provisions of 32 Ill. Adm Code 410.30, and:

Have 3 years of experience performing radiation measurements and quality assurance duties for diagnostic imaging facilities; or

Have 2 years of experience performing radiation measurements and quality assurance duties and have undertaken a training program of at least 40 hours, conducted by a diagnostic imaging specialist, and which includes instruction in quality assurance procedures and the requirements of this Part.

AGENCY NOTE: A person performing physics duties for a diagnostic facility should have experience in the same field for which the duties are performed. For example, an individual providing support to mammography facilities should have 3 years of mammography experience. It is recognized that 3 years of experience for various imaging modalities could be gained concurrently.

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"Diagnostic source assembly" means an x-ray tube housing assembly, designed for use in diagnostic x-ray applications, with a beam-limiting device attached.

"Diaphragm" means a device or mechanism by which the x-ray beam is restricted in size (see "Beam-limiting device").

"Field flattening filter" means a filter used to provide dose uniformity over the area of a useful beam of x-rays at a specified depth.

"Filter" means material placed in the useful beam to absorb, preferentially, radiations based on energy level or to modify the spatial distribution of the beam.

"Gantry" means that part of the system supporting and allowing possible movements of the radiation head.

"General purpose x-ray system" means any radiographic x-ray system which, by design, is not limited to radiographic examination of specific anatomical regions.

"Gonad shield" means a protective device for the testes or ovaries which provides a minimum of 0.5 millimeter lead equivalent protection.

"Half-value layer (HVL)" means the thickness of a specified material that attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half of its original value.

AGENCY NOTE: The contribution of all scattered radiation, other than any that might be present initially in the beam concerned, should be minimized.

"Healing arts screening" means the examination of human beings using x-ray machines for the detection or evaluation of potential diseases when such examinations are not specifically ordered by a licensed practitioner of the healing arts legally authorized to prescribe such x-ray examinations for the purpose of diagnosis or treatment. However, healing arts screening does not include mammography on self-referred patients.

"Image intensifier" means a device, installed in a housing, which converts an x-ray pattern into a corresponding light image, usually by electronic means.

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"Image receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident x-ray photons either into a visible image or into another form which can be made into a visible image by further transformations.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Isocenter" means a fixed point in space located at the center of the smallest sphere through which the central axis of the useful beam passes at any beam orientation.

"Kilovolts peak (kVp)" means the crest value, in kilovolts, of the electric potential applied to the x-ray tube between the cathode and anode of a pulsating electric potential generator.

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"Leakage radiation" means all radiation emanating from the diagnostic source assembly except for:

The useful beam; and

The radiation produced when the exposure switch or timer is not activated.

"Leakage technique factors" means the technique factors used to measure leakage radiation from the diagnostic source assembly. They are defined as follows:

For capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in 1 hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs, i.e., 10 milliamperes-seconds, or the minimum obtainable from the unit, whichever is larger.

For field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of x-ray pulses in 1 hour for operation at the maximum-rated peak tube potential.

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For all other equipment, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

"Light field" means that area of the intersection of the light beam from the beam-limiting device and any one of the sets of planes parallel to and including the plane of the image receptor. The edge of the light field is defined as the locus of points at which the illumination is 25 percent of that at the center of the light field.

"Mammography" means radiography of the breast for the purpose of enabling a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

"Mammography phantom" means a phantom specifically designed for image quality evaluation of mammography systems and which may also be used in the process of determining the mean glandular breast dose. It shall be any phantom material that is equivalent to a nominal 4.5-centimeter compressed breast of average density (i.e., 50 percent adipose and 50 percent glandular tissue), and shall contain masses, specks and fibers as specified in Section 360.71(j)(2).

"Mammography System" means an x-ray system that is used to perform mammography.

"Medical radiographer" means a person other than a licensed practitioner, accredited in accordance with the provisions of 32 Ill. Adm. Code 401, or an individual exempt from the provisions of 32 Ill. Adm. Code 401, who performs medical radiation procedures and applies x-radiation, to any part of the human body, for diagnostic purposes while under the supervision of a licensed practitioner.

"Mobile equipment" (see "X-ray equipment").

"Monitor unit" means a unit response from the beam monitoring system from which the absorbed dose can be calculated.

"Moving beam therapy" means radiation therapy in which there is displacement of the useful beam relative to the patient. Moving beam therapy includes arc therapy, skip therapy and rotational beam therapy.

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"Multiple scan average dose (MSAD)" means the average dose at the center of a series of scans, specified at the center of the axis of rotation of a computed tomography system.

"Operator" means an individual who applies ionizing radiation for diagnostic or therapeutic purposes.

~~"Personnel monitoring" means the determination of radiation exposure to a person. Devices used for this purpose may include, but are not limited to, film badges, pocket dosimeters and thermoluminescent dosimeters worn by the individual.~~

"Phototimer" means a method for controlling radiation exposures to image receptors by the amount of radiation which reaches a radiation monitoring device(s). The radiation monitoring device(s) is part of an electronic circuit which controls the duration of time the tube is activated (see "Automatic exposure control").

"Physicist" (see "Therapeutic radiological physicist").

"Portable equipment" (see "X-ray equipment").

"Position indicating device" means a device on intraoral dental x-ray equipment used to indicate the beam position and to establish a definite source-skin distance.

"Primary protective barrier" (see "Protective barrier").

"Protective apron" means an apron of radiation absorbing materials, at least 0.25 millimeter lead equivalent, used to reduce exposure from leakage and scatter radiation.

"Protective barrier" means a barrier of radiation absorbing material(s) used to reduce radiation exposure dose. The types of protective barriers are as follows:

"Primary protective barrier" means the material, excluding filters, placed in the useful beam to reduce the radiation exposure dose.

"Secondary protective barrier" means a barrier sufficient to attenuate the leakage and scatter radiation to the required degree.

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"Protective glove" means a glove made of radiation absorbing materials, at least 0.25 millimeter lead equivalent, used to reduce exposure dose from leakage and scatter radiation.

"Radiation beam" (see "Beam").

"Radiation therapy simulation system" means a radiographic/fluoroscopic x-ray system used exclusively for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

"Radiologist" means a physician or veterinarian who is either:

Certified by the American Board of Radiology in diagnostic radiology or general radiology;

Certified by the American Osteopathic Board of Radiology;

Certified by the American Chiropractic Board of Radiology; or

Certified by the American College of Veterinary Radiology; or

Eligible for certification by any College or Board identified above.

"Reference plane" means a plane which is displaced from and parallel to the tomographic plane.

"Scan" means the complete process of collecting x-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient support device with respect to the CT x-ray system between successive scans measured along the direction of such displacement.

"Scatter radiation" means radiation that, during passage through matter, has been deviated in direction.

"Secondary protective barrier" (see "Protective barrier").

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"Sensitometer" means a device which is used to test the setup and stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

"Shadow tray" means a device attached to the radiation head to support auxiliary beam-limiting material.

"Shutter" means an adjustable beam-limiting or attenuating device, usually made of lead, fixed to an x-ray tube housing to intercept or collimate the useful beam (see "Beam-limiting device").

"SID" means source-image receptor distance (see "Source-image receptor distance").

"Source" means the focal spot of the x-ray tube.

"Source-image receptor distance" means the distance from the source to the center of the input surface of the image receptor.

"Source-skin distance (SSD)" means the distance measured along the central ray from the center of the front surface of the x-ray focal spot to the surface of the irradiated object.

"Special purpose x-ray system" means any radiographic x-ray system which, by design, is limited to radiographic examination of a specific anatomical region.

"Spot film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

"Stationary beam therapy" means radiation therapy in which there is no displacement of the useful beam relative to the patient during irradiation.

"Stationary equipment" (see "X-ray equipment").

"Technique factors" means the electrical potential (kilovolts), current (milliamperes), exposure time parameters (seconds or pulses) or a combination thereof, selectable at the control panel of an x-ray system (see "Control panel").

"Therapeutic Radiological Physicist" means an individual who has the knowledge, training and experience to measure ionizing radiation, evaluate safety techniques, advise regarding radiation protection needs and apply the principles of radiological physics.

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to clinical radiation therapy. To meet these criteria, a therapeutic radiological physicist shall:

Be certified by the American Board of Radiology, the American Board of Medical Physics or the Canadian College of Medical Physics in:

Therapeutic radiological physics; or

Roentgen ray and gamma ray physics; or

X-ray and radium physics; or

Radiological physics; or

Hold a master's degree or doctorate in physics, biophysics, radiological physics or health physics and have completed 1 year of full-time training in radiological physics and also 1 year of full-time work experience under the supervision of a therapeutic radiological physicist at a medical institution. To meet this requirement, the individual shall have performed the tasks specified in Sections 360.120(c), (d) and (e) under the supervision of a therapeutic radiological physicist during the year of work experience.

"Tomogram" means the depiction of the x-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane which is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose x-ray attenuation properties are imaged in a tomogram.

"Useful beam" (see "Beam").

"X-ray equipment" means an x-ray system, sub-system or component thereof. Types of x-ray equipment are as follows:

"Mobile x-ray equipment" means x-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled. Mobile x-ray equipment includes x-ray equipment permanently mounted in vehicles.

"Portable x-ray equipment" means x-ray equipment designed to be hand-carried

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"Stationary x-ray equipment" means x-ray equipment which is installed in a fixed location.

"X-ray field" means, for diagnostic purposes, that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor. The edge of the x-ray field is defined as the locus of points at which the exposure is 25 percent of that at the center of the x-ray field.

"X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control panel, an x-ray tube housing assembly, a beam-limiting device and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system. X-ray systems include diagnostic systems, therapeutic systems and accelerator systems.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 360.30 General Requirements and Administrative Controls

The requirements in this Section apply to all uses of x-rays in veterinary medicine and to all uses of x-rays in the healing arts including the use of x-rays for both diagnostic and therapeutic purposes. Additional requirements for all diagnostic x-ray systems are in Section 360.40 and specific equipment application classes are contained in Sections 360.41 through 360.100. For therapeutic x-ray systems also see Sections 360.110 and 360.120.

- a) Registrant. The registrant shall:
 - 1) Direct the operation of the x-ray system(s);
 - 2) Register with the Department, in accordance with the provisions of 32 Ill. Adm. Code 320, all x-ray equipment which is used at the facility and all portable or mobile x-ray equipment used by the registrant;
 - 3) Submit an application for inspection of radiation machines to the Department in accordance with 32 Ill. Adm. Code 410 and, if the inspection is performed by a qualified nondepartment inspector, submit a copy of the radiation inspection report to the Department;

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- 4) Permit operation of the x-ray system(s) only by individuals who are licensed in accordance with State law (See Section 360.10(a)), or who are accredited by the Department pursuant to 32 Ill. Adm. Code 401 or who are exempt from such requirements in accordance with the provisions of 32 Ill. Adm. Code 401.
- b) Shielding. Each installation shall be provided with such primary barriers and/or secondary barriers as are necessary to assure compliance with the provisions of 32 Ill. Adm. Code ~~340.1010~~, 340.1040 and 340.1050, 340.210, 340.270, 340.280 and 340.310.
- c) An x-ray system which does not meet the provisions of this Part shall not be operated for diagnostic or therapeutic purposes.
- d) If an x-ray system is identified as not being in compliance with the provisions of this Part and if that system is accessible for use, it shall be rendered inoperable (i.e., dismantle the x-ray source from the source support assembly) if so ordered by the Director.
- e) Prohibitions
 - 1) Unauthorized Exposure. Individuals shall not be exposed to the useful beam except for healing arts purposes and only when such exposure has been authorized by a licensed practitioner of the healing arts. This provision specifically prohibits deliberate exposure for the following purposes:
 - A) Exposure of individuals for training, demonstration or other non-healing arts purposes.
 - B) Exposure of individuals for the purpose of "healing arts screening" (see Section 360.20).
 - 2) Fluoroscopy shall not be used as a substitute for radiography or in lieu of proper anatomical positioning, centering procedures prior to radiographic studies.
 - 3) Fluoroscopic equipment using phosphorescent screens shall not be used. Image intensification shall be utilized on all fluoroscopic equipment.
 - 4) The use of direct exposure x-ray film (without intensifying screens) for routine diagnostic radiological imaging

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procedures, other than intraoral dental radiography and therapeutic portal imaging, is prohibited.

AGENCY NOTE: Therapeutic portal imaging is a technique used in radiation therapy to verify correct alignment of therapy beams with the patient's anatomy.

- 5) The use of photofluorographic systems is prohibited.

AGENCY NOTE: Photofluorography is frequently called mass miniature radiography. In this technique the image of a fluorescent screen is recorded on film by means of a camera.

- f) ~~Personnel~~ Individual Monitoring and Reporting Requirements. All persons who are associated with the operation of an x-ray system are subject to the radiation dose standards, requirements for the determination of the doses, requirements for ~~personnel~~ individual monitoring and requirements for reporting of radiation doses which are contained in 32 Ill. Adm. Code 340.

- g) The registrant shall comply with the requirements of the Department's rules entitled, Notices, Instructions and Reports to Workers; Inspections, 32 Ill. Adm. Code 400.

- h) Records and Associated Information. The registrant shall maintain at the facility, for a period of at least one inspection cycle (see 32 Ill. Adm. Code 410.60(d)), records showing the receipt, transfer, storage and disposal of all sources of radiation in accordance with the provisions of 32 Ill. Adm. Code 310 and 320.

- i) Staff Qualifications. The registrant shall maintain at the facility, for review by the Department, current certificates of accreditation (clear, legible copies are acceptable), issued by the Department in accordance with the provisions of 32 Ill. Adm. Code 401, for all individuals who are required to be so accredited.

- j) Radiation Safety Procedures. The registrant shall provide to each individual who operates x-ray equipment at the facility written operating and safety procedures. These procedures shall include restrictions required for the safe operation of each radiation machine and shall include the topics listed in the radiation safety program of subsection (k) below.

- k) Radiation Safety Program. The registrant shall provide for initial and annual in-service training in radiation safety for

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individuals (excluding licensed practitioners) that apply ionizing radiation at the facility, to ensure their awareness of the registrant's radiation safety practices and policies. The in-service training shall include the following topics:

- 1) Operating and emergency procedures for the radiation machine(s);
 - 2) Use of personnel and patient protective devices;
 - 3) Procedures to minimize patient and ~~personnel exposure~~ occupational doses, including procedures for selecting personnel to support patients or film, as required by Section 360.40;
 - 4) Use of ~~personnel~~ individual monitoring devices (if such devices are used at the facility);
 - 5) Film processing procedures; and
 - 6) Prohibited uses of x-ray machines as described in subsection (e), above.
- 1) Operator Training. Individuals who operate radiation machines shall be instructed in and able to demonstrate competence with the registrant's operating and safety procedures.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 360.40 General Equipment and Operation Requirements for Diagnostic X-Ray Systems

The requirements of this Section apply to all diagnostic x-ray systems. Additional requirements for specific equipment application classes are in Sections 360.41 through 360.100.

- a) Half-Value Layer

- 1) The half-value layer of the useful beam for a given x-ray tube potential shall not be less than the values shown in Section 360.100 Table R.
- 2) For capacitor energy storage equipment, compliance with the requirements of this subsection shall be determined with the maximum quantity of charge per exposure. This will be

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deemed to have been met if an mAs of 10 or greater has been used:

- b) Beam-On Indicators
 - 1) The control panel shall include a device (usually a milliammeter or labeled indicator lamp) which will give positive indication of the production of x-rays whenever the x-ray tube is energized.
 - 2) Where two or more radiographic tubes are controlled by one exposure switch, the tube or tubes which have been selected shall be clearly indicated prior to initiation of the exposure. This indication shall be both on the x-ray control panel and at or near the tube housing assembly which has been selected.
- c) Mechanical Support of Tube Head. The tube housing assembly supports shall be adjusted such that the tube housing assembly will remain stable during an exposure unless tube housing movement is a designed function of the x-ray system. The tube housing assembly supports shall not be hand-held unless the manufacturer has specifically designed the system to be operated while hand-held.
- d) Diagnostic Source Assembly Leakage Radiation Limits. The leakage radiation measured at a distance of 1 meter from the source shall not exceed 25.8 microC/kg (100 mR) in 1 hour when the tube is operated at its leakage technique factors.
- e) Radiation From Capacitor Energy Storage X-ray Equipment in Standby Status. Radiation emitted from the x-ray tube when the exposure switch or timer is not activated shall not exceed a rate of 0.516 microC/kg (2 mR) per hour at 5 centimeters from any accessible surface of the diagnostic source assembly, with the beam-limiting device fully open.

f) Technique Indicators

- 1) The technique factors to be used during an exposure shall be indicated at the control panel before the exposure begins. If automatic exposure controls are used, the technique factors which are set prior to the exposure shall be indicated at the control panel.

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- 2) The requirement of subsection (1) above may be met by permanent markings on equipment having fixed technique factors. Indication of technique factors shall be visible from the operator's position except in the case of spot films.
- 3) The indicated technique factors of exposure time and kilovolts peak (kVp) shall correspond to the actual exposure factors within ten percent of the measured values.
- g) Reproducibility of Exposures
 - 1) For any specific combination of selected technique factors utilized, the coefficient of variation of radiation exposures shall not exceed 0.05 for any specific combination of selected technique factors. It will not be necessary to calculate the coefficient of variation if for four consecutive measurements the value of the average exposure (Eavg) is greater than or equal to ten times the maximum exposure (Emax) minus the minimum exposure (Emin). This requirement is mathematically represented by the following:
$$E_{avg} \geq 10(E_{max} - E_{min})$$

- 2) For systems using automatic exposure control (AEC), compliance measurements shall be performed with the system operating in the AEC mode. Attenuating material shall be placed in the beam to provide exposure times in the range of those used clinically.

AGENCY NOTE: The intent of this subsection is to require testing of the system in a manner that is clinically relevant. Reproducibility of exposures should be measured at technique factors that are commonly used and are subject to variation. For AEC systems, commonly used settings in combination with an appropriate thickness of attenuating material should be used to provide exposure times in the clinical range.

h) Patient or Film Support

- 1) When a patient or film must be provided with auxiliary support during a radiation exposure:
 - A) No person shall be used routinely to hold film or patients; and

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- B) Unless the procedure precludes their use, mechanical holding devices shall be used to restrain patients. For example, mechanical holding devices could not be used if the devices would preclude clear visualization of the tissue being examined.

- 2) When a patient or film must be held by an individual, written safety procedures, as required by Section 360.30(J), shall indicate the criteria for selecting a holder and the procedure the holder shall follow.

AGENCY NOTE: The radiation dose received by radiation workers, patients and the general public can be reduced if mechanical patient and film support devices are used for radiographic and fluoroscopic procedures. In the event that an individual must be used in lieu of mechanical patient or film support devices to hold patients or films, every effort should be made to limit the individual's exposure to radiation dose. This can be accomplished by not assigning to a single individual the task of supporting patients and films during radiographic and fluoroscopic examinations. Rather, a number of individuals may be rotated through the assignment, thereby reducing the radiation exposure dose to one individual.

i) Personnel Protection

- 1) Except for patients who cannot be moved out of the room, only the individuals required for the medical procedure or training shall be in the room during the radiographic/fluoroscopic exposure.

- 2) Individuals who must be in the room with the patient being radiographed or fluoroscoped shall be protected by 0.25 millimeter lead equivalent apparel or device or shall be positioned at a distance such that the individual ~~is~~ does not exposed to receive a radiation dose in excess of the limits specified at in 32 Ill. Adm. Code 340.1050 340.310.

j) Technique Guides

- 1) In the vicinity of each radiographic x-ray system's control panel, a technique guide shall be provided which specifies for routine examinations performed with that system, the following information:

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- A) Patient's anatomical size versus technique factors to be utilized;
- B) Type and size of the film or screen-film combination to be used; and
- C) SID to be used.

- 2) For automatic exposure control (AEC) systems (i.e., systems employing photo-multiplier tubes or ionization chambers to terminate the x-ray exposure) with selectable exposure detectors and density settings, the technique guide shall also specify the appropriate exposure detector(s) and density setting to be utilized for each radiographic examination listed.

- 3) For AEC systems, the technique guide shall specify the requirements of subsections (1)(A) through (C) above to be followed if operated in a non-automatic mode.

AGENCY NOTE: The Department recognizes that alternate means may be available at the control panel to indicate technique factors for computerized imaging systems.

- k) Patient ~~Exposure~~ Dose Criteria. Procedures and auxiliary equipment designed to minimize patient and ~~personnel exposure~~ occupational dose commensurate with needed diagnostic information shall be used.

AGENCY NOTE: It is the intent of this subsection to provide for the optimum optical density, resolution and contrast on the film while minimizing patient ~~exposure dose~~. X-ray films, intensifying screens and other image recording devices should be as sensitive as is consistent with the requirements of the examination.

- 1) X-ray Film Processing Systems. The darkroom safe light illumination shall be adequate for the film speed(s) and the darkroom operating procedures used to prevent fogging of unprocessed film. The following additional requirements apply to film processing systems:

- 1) Manual film processing systems shall be monitored by the registrant to assure:

- A) The use of a dedicated darkroom timer with an adjustable preset function. The timer shall be used

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to adjust film processing time according to solution temperature.

- B) The use of a dedicated darkroom thermometer. The thermometer shall be used to adjust the film processing time according to solution temperature.
 - C) The use of a film processing guide. The guide shall contain, at a minimum, information regarding time(s) and temperature(s) (as recommended by the processing chemical manufacturer) used by the registrant to develop radiographs.
 - D) The frequency at which film processing chemicals are changed is appropriate for the conditions of use.
- 2) Automated film processing shall be monitored by the registrant to assure that:
- A) The temperature of film processing chemicals is appropriate for the type of film(s) being processed at the film transport speed selected.
 - B) The film processing chemicals used and their replenishing rate (if applicable) are appropriate for the film transport speed selected.

- m) Gonadal Shielding. Except for cases in which it would interfere with the diagnostic procedure, gonadal shielding of not less than 0.5 millimeter of lead equivalent shall be used for patients (who have not passed the reproductive age) during those radiographic procedures in which the gonads are in the useful beam.

AGENCY NOTE: Protection of the embryo or fetus from radiation ~~exposure~~ dose during radiological examination or treatment of a woman of childbearing age (potentially pregnant) should be given special consideration.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 360.50 Fluoroscopic Systems

In addition to the provisions of Sections 360.10, 360.30, 360.40 and 360.41, the requirements of this Section apply to x-ray equipment and associated facilities used for fluoroscopy.

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- a) Beam Limitation. The x-ray field shall be limited by stepless adjustable shutters. In addition:

- 1) The minimum field size at the greatest SID shall be no greater than 5 centimeters by 5 centimeters.
- 2) The mechanism(s) (manual/automatic mode selector(s)) provided for activating and positioning the beam-limiting shutters shall function properly. This requirement applies to shutters used in fluoroscopic procedures or spot filming procedures or both fluoroscopic and spot filming procedures.
- 3) Neither the length nor the width of the x-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than three percent of the SID. The sum of the excess length and the excess width shall be no greater than four percent of the SID. This requirement applies to field sizes for fluoroscopic procedures or spot filming procedures or both fluoroscopic and spot filming procedures.
- 4) For fluoroscopic equipment with only a manual mode of beam limitation, the x-ray field produced shall be limited to the area of the spot film cassette at 40.6 centimeters (16 inches) above the tabletop. Additionally, during fluoroscopy, the operator shall restrict the beam ~~shall be~~ restricted to the area of the input phosphor.
- 5) Spot film devices shall meet the following additional requirements:
 - A) Means shall be provided between the source and the patient for adjustment of the x-ray field size in the plane of the image receptor to the size which has been selected on the spot film selector. Such adjustment shall be accomplished automatically except when the x-ray field size in the plane of the image receptor is smaller than that selected;
 - B) The center of the x-ray field in the plane of the image receptor shall be aligned with the center of the selected portion of the film to within two percent of the SID; and
 - C) If the angle between the plane of the image receptor and beam axis is variable, a device shall be provided

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to visually indicate when the axis of the x-ray beam is perpendicular to the plane of the image receptor.

- 6) The beam limitation requirements of this subsection shall not apply to fluoroscopic systems specifically designed for examination of extremities only and meeting the requirements of subsection (1) below.
- b) Fluoroscopic Timer. A manual reset, cumulative timing device shall be used which will either indicate elapsed on-time by an audible signal or turn off the system when the total exposure time exceeds a predetermined limit not exceeding 5 minutes in one or a series of exposures.
- c) Primary Barrier/Interlock. These devices shall be provided and shall function so that:
 - 1) The entire cross section of the useful beam is intercepted by the primary protective barrier of the fluoroscopic image assembly at any SID; and
 - 2) The fluoroscopic tube is interlocked to prevent the unit from producing x-rays unless the primary barrier is in position to intercept the useful beam, as specified in subsection (1) above, at all times.
- d) Source-Skin Distance. The SSD shall not be less than:
 - 1) 38 centimeters (15 inches) on all stationary fluoroscopes;
 - 2) 20 centimeters (8 inches) on all mobile fluoroscopes; and
 - 3) 9.5 centimeters (4 inches) for fluoroscopes specifically designed for examination of extremities only and meeting the requirements of subsection (1) below.
- e) Indication of Potential and Current. During fluoroscopy and recording of fluoroscopic images, the kV and the mA shall be continuously indicated at the control panel and/or the operator's position.
- f) Activation of the Fluoroscopic Tube. X-ray production in the fluoroscopic mode shall be controlled by a device which requires continuous pressure by the operator for the entire time of any exposure. When recording serial fluoroscopic images, the operator shall be able to terminate the x-ray exposure(s) at any time, but

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means may be provided to permit completion of any single exposure of the series in process.

- g) Entrance Exposure Requirements
 - 1) Maximum Exposure Rate. Fluoroscopic systems shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.58 mC/kg (10_R) per minute at the point where the center of the useful beam enters the patient, except:
 - A) During recording of fluoroscopic images; or
 - B) When an optional high level control is activated (See subsection (2) below).
 - 2) When a high level control is activated, the equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 5.15 mC/kg (20_R) per minute at the point where the center of the useful beam enters the patient. In addition, the following requirements apply to high level controls:
 - A) Separate means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator.
 - B) A continuous signal audible to the operator shall indicate that the high level control is being employed.
 - 3) Compliance with the requirements of subsections (1) and (2) above shall be determined using technique factors that produce the maximum exposure rate. For systems employing automatic exposure rate control, material having an equivalency of at least 3 millimeters of lead shall be placed in the primary beam between the image receptor and the radiation measuring device. The lead or equivalent material shall be positioned to ensure that the entire primary beam is blocked.

AGENCY NOTE: Many fluoroscopic systems do not yield their maximum exposure rate at the maximum tube potential or tube current. The exposure rate should be checked at various kVp

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and mA settings to establish the maximum exposure rate for the system.

- 4) Fluoroscopic systems shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 1.29 mC/kg (5.R) per minute at the point where the center of the useful beam enters the patient, when measured under the following conditions:

- A) Movable grids and compression devices shall be removed from the useful beam during the measurement.
- B) For systems without automatic exposure rate control, the measurement shall be performed using technique factors clinically used for a standard adult patient thickness of 23 centimeters.

AGENCY NOTE: An attenuation block or other suitable material should be placed in the beam to protect the imaging system.

- C) For systems with automatic exposure rate control, the measurement shall be performed with an attenuation block or other material simulating the standard adult patient thickness of 23 centimeters, in the beam between the radiation measuring device and the image receptor.

AGENCY NOTE: The Department recommends additional measurements be made of the entrance exposure rate for fluoroscopic systems capable of recording fluoroscopic images, and the entrance exposure for spot film techniques for fluoroscopic systems with that modality. In either case, measurements should be made under the conditions specified in subsection (B) above.

- D) The requirements of subsection (4) shall not apply to fluoroscopes specifically designed for examination of extremities only and meeting the requirements of subsection (1) below.

- 5) Measurements performed pursuant to the requirements of subsections (1) through (4) above shall meet the following additional requirements:

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- A) If the source is below the table, the exposure rate shall be determined for the center of the useful beam 1 centimeter above the tabletop or cradle.
- B) If the source is above the table, the exposure rate shall be determined at 30 centimeters (12 inches) above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

- C) For a fixed SID C-arm type of fluoroscope, the exposure rate shall be determined 30 centimeters (12 inches) from the input surface of the fluoroscopic imaging assembly.

- D) For a variable SID C-arm type of fluoroscope, the exposure rate shall be determined 30 centimeters (12 inches) from the input surface of the fluoroscopic imaging assembly with the end of the beam-limiting device or spacer positioned as close as possible to the point of measurement.

- E) For a lateral type fluoroscope, the exposure rate shall be determined on the central axis of the primary beam at a point 15 centimeters (6 inches) from the centerline of the x-ray table and in the direction of the x-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral x-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters to the centerline of the x-ray table.

AGENCY NOTE: A lateral type fluoroscope is a fluoroscope that cannot be rotated so that the source or the fluoroscopic imaging assembly can be positioned below the fluoroscopic table or cradle.

- F) For a fluoroscopic system specifically designed for examination of extremities only, the exposure rate shall be determined for the minimum source-skin distance.

- 6) The measurements required by subsection (g) above shall be performed when the system is inspected as specified in 32

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Ill. Adm. Code 410 as well as after any maintenance of the system which might affect the exposure rate.

- 7) The results of the measurements required by subsections (1), (2) and (4) above shall be posted or available at the control panel. The measurement results shall be stated in millicrocoulombs per kilogram (roentgens) per minute or microcoulombs per kilogram (milliroentgens) per second and shall include the technique factors used in determining such results. The name of the individual performing the measurements and the date the measurements were performed shall be included in the results.

AGENCY NOTE: The resolution and efficiency of the fluoroscopic imaging system should be evaluated periodically, whenever deterioration in the imaging system is suspected and when the measured exposure rate exceeds the standards of this Section.

h) Barrier Transmitted Radiation Rate Limits

- 1) The exposure rate due to transmission through the primary protective barrier shall not exceed 0.516 microC/kg (2 mR) per hour at 10 centimeters from any accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor for each roentgen per 258 microC/kg (1 R) per minute of entrance exposure rate.

2) Measuring Compliance of Barrier Transmission

- A) The exposure rate due to transmission through the primary protective barrier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.
- B) If the source is below the tabletop, the exposure rate shall be determined with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the tabletop.
- C) If the source is above the tabletop and the SID is variable, the exposure rate shall be determined with the end of the beam-limiting device or spacer at the edge of the tabletop as it can be placed, provided that it shall not be closer than 30 centimeters

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- D) Movable grids and compression devices shall be removed from the useful beam during the measurement.

- E) An attenuation block shall be positioned in the useful beam 10 centimeters from the point of measurement of entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly.

- i) Staff and Ancillary Personnel Protection. The operator, assistants and observers allowed in the examining room shall be protected from scatter radiation by protective aprons of not less than 0.25 millimeter lead equivalent or whole body protective barriers or shall be positioned at a sufficient distance to ensure that the individual does not receive a radiation dose in excess of the limits specified in 32 Ill. Adm. Code 340.310.

j) Control of Scattered Radiation

- 1) For fluoroscopic systems utilizing an x-ray tube that is mounted below the table, the table shall be provided with shielding (bucky slot cover) equivalent to 0.25 millimeter lead equivalent to attenuate scattered radiation emanating from below the table.
- 2) A shield of at least 0.25 millimeter lead equivalent, such as overlapping protective drapes or hinged or sliding panels, shall be provided and used to intercept scattered radiation which would otherwise reach the operator and others near the machine. This shielding shall not be a substitute for the wearing of a protective apron (0.25 millimeter lead equivalent) for protection against scattered radiation.
- 3) Where sterile fields or special procedures prohibit the use of protective barriers or drapes, subsection (2) above shall not apply.
- k) Additional Requirements for Stationary Fluoroscopic Systems for Radiologic Catheterization Procedures.
- 1) Protective barriers shall be available for use by individuals whose presence is required in the room for activation of the x-ray tube(s). If a protective barrier includes or consists of a transparent viewing panel, the viewing panel shall afford protection of not less than 0.5 millimeter of lead equivalent.

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- 2) Protective aprons of not less than 0.25 millimeter of lead equivalent shall be worn in the fluoroscopy room by all individuals (except the patient).
- AGENCY NOTE: Because modern equipment allows great flexibility in the direction of the beam, individuals in the room should step back from the x-ray system and behind protective barriers during activation of the x-ray tube(s).
- 1) Additional ~~requirements~~ Requirements for Fluoroscopic Systems Specifically Designed for Examination of Extremities Only
- 1) The radiation safety procedures required pursuant to Section 360.30(j) shall include the following:
- A) A warning concerning the potential for, and the hazards of, increased patient ~~x-ray exposure~~ radiation dose associated with x-ray systems employing short source-skin distances;
 - B) Procedures for obtaining imaging magnification with minimum patient ~~exposure~~ dose, including imaging systems or screen-film combinations;
 - C) Technique factors for specific examinations for which the system is designed;
 - D) Radiation exposure data, including skin entrance exposure for each set of technique factors used.
- 2) The x-ray system shall be clearly labeled as follows:
"For Examination of Extremities Only."
- 3) The source-skin distance shall be limited as specified in subsection (d) above.
- 4) Fluoroscopic systems specifically designed for examination of extremities only shall be used solely for examination of extremities.
- m) Radiation Therapy Simulation Systems. Radiation therapy simulation systems shall be exempt from the requirements of subsections (a), (b), (c), (g) and (h) above provided that:
- 1) Such systems are designed and used in such a manner that no individual other than the patient is in the x-ray room

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- during periods of time when the system is producing x-rays; and
- 2) Such systems that do not meet the requirements of subsection (b) above are provided with a means of indicating the cumulative time that an individual patient has been exposed to x-rays. Procedures shall require in such cases that the timer be reset between examinations.
- n) Operator Restrictions. No person shall intentionally administer radiation to a human being with a fluoroscopic radiation machine unless such person is licensed to practice a treatment of human ailments under the Medical Practice Act of 1987, the Illinois Dental Practice Act or the Podiatric Medical Practice Act of 1987, except:
- 1) An accredited medical radiographer may operate a fluoroscope for static functions when interpretation of the results is not required and only under the direct supervision of a licensed practitioner who is within visual contact; or
 - 2) An accredited medical radiographer or radiation therapist may operate a fluoroscope for radiation therapy simulation procedures under the direct supervision of a licensed practitioner.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 360.90 Dental Radiographic Systems

In addition to the provisions of Sections 360.10, 360.30 and 360.40, the requirements of this Section apply to x-ray equipment and associated facilities used for dental radiography. Refer to Section 360.50 for requirements for dental fluoroscopic systems.

a) General Requirements

- 1) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, preset number of pulses or preset radiation exposure to the image receptor. Also, it shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.
- 2) X-Ray Control. An x-ray control shall be incorporated into each x-ray system such that an exposure can be terminated by

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the operator at any time except for exposures of 0.5 second or less.

- 3) Exposure Switch Arrangement. The exposure switch shall be a dead-man switch and shall be arranged so that the operator can be behind a protective barrier or at least 1.83 meters (6 feet) from the patient and the tube housing during an exposure.

b) Additional Requirements for Dental Intraoral Systems

- 1) Source-Skin Distance (SSD). X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit the SSD to not less than:

- A) 18 centimeters if operable above 50 kVp; or
B) 10 centimeters if operable at 50 kVp and below.

- 2) Beam Limitation. Radiographic systems designed for use with an intraoral image receptor shall be provided with means to limit the x-ray beam such that the x-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than 7 centimeters.

- 3) Dental Radiographic Exposure Limits (Single Film). The entrance exposure to an adult patient for a routine intraoral bitewing exam shall not exceed the limit specified for the kVp used in the table below. Exposures are specified as free-in-air exposures without backscatter.

Tube Potential (kVp)	"D" Speed Film (microC/kg)	"E" Speed Film (microC/kg)	"E" Speed Film (mR)
50	142	550	72
55	134	520	65
60	121	470	57
65	107	415	49
70	93	360	43
75	80	310	36
80	67	260	30
85	61	235	27
90	54	210	25
95	50	195	22
100	46	180	18

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Linear extrapolation or interpolation shall be used for an x-ray tube potential (kVp) not listed in the table.

AGENCY NOTE: The exposures specified in the above table were empirically determined by a panel of dentists in a U.S. FDA study.

- 4) The kVp shall be measured at the time the entrance exposure is determined pursuant to subsection (3) above to determine the correct exposure limit to be applied.

c) Beam Limitation Requirements for Dental Extraoral Systems

- 1) Dental rotational panoramic systems shall be provided with means to limit the x-ray beam to the imaging slit in the transverse axis and shall not exceed a total of 13 millimeters (0.5 inch) larger than the imaging slit in the vertical axis.

- 2) All other dental extraoral radiographic systems (e.g. cephalometric) shall be provided with means to both size and align the x-ray field so that it does not extend beyond any edge of the image receptor by more than two percent of the SID.

d) Additional Requirements for Dental Radiography

- 1) Patient and film holding devices shall be used when the techniques permit;
- 2) The tube housing and the position indicating device shall not be hand-held during an exposure;
- 3) The x-ray system shall be operated in such a manner that the useful beam at the patient's skin does not exceed the criteria specified in subsection (b)(2) above.
- 4) Personnel Protection. The operator shall be behind a protective barrier or be provided with a protective apron of not less than 0.25 millimeter lead equivalent during an exposure. Individuals whose presence is required in the room during an x-ray examination shall be protected from leakage and scatter radiation by protective aprons of not less than 0.25 millimeter lead equivalent or a protective barrier or shall be positioned at a sufficient distance to ensure that the individual does not receive a radiation dose

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in excess of the limits specified in 32 Ill. Adm. Code 340.310.

AGENCY NOTE: Strict adherence to radiation protection practices should minimize ~~personnel radiation exposure~~ occupational dose and may eliminate the need for ~~personnel radiation~~ individual monitoring. The requirements for ~~personnel radiation~~ individual monitoring are specified in 32 Ill. Adm. Code ~~340.2020~~ 340.520.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 360.100 Veterinary Radiographic Systems

In addition to the provisions of Sections 360.10, 360.30 and 360.40, the requirements of this Section apply to x-ray equipment and associated facilities used for radiography with veterinary systems.

- a) Beam Limitation. The useful beam shall be limited to the area of clinical interest. The size of the image receptor used for each radiographic projection shall be consistent with the objectives of the examination.

- 1) Limitation Criteria. Means shall be provided to limit the x-ray field in the plane of the image receptor so that the field does not exceed each dimension of the image receptor by more than two percent of the SID when the axis of the x-ray beam is perpendicular to the plane of the image receptor.

- 2) Means shall be provided to align the center of the x-ray field with the center of the image receptor to within two percent of the SID.

- 3) The requirements of subsection (1) above may be met with:

- A) An adjustable collimator with a field defining light, meeting the requirements specified in Section 360.60(a)(1); or
- B) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used, with each such device having permanent, clearly legible markings in

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centimeters and/or inches, to indicate the image receptor size and SID for which it is designed; or

- C) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used. Permanent, clearly legible markings, in centimeters and/or inches, shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

4) SID Indication

- A) Means shall be provided to indicate the SID.

- B) SIDs shall be indicated in centimeters and/or inches and the measured SID shall correspond to the indicated value to within two percent.

- b) Exposure Switch Arrangement. The exposure control switch shall be arranged so the operator can be at least 1.83 meters (6 feet) from the animal, the x-ray tube and the useful beam.

c) Radiation Exposure Control Devices

- 1) Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, preset number of pulses or preset radiation exposure to the image receptor. Also, it shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.

- 2) The exposure switch shall be a dead-man switch.

- d) Veterinary fluoroscopic, computed tomography and therapy systems shall meet the requirements specified in Sections 360.50, 360.75, 360.110 and 360.120, except that the requirements pertaining to aural communication specified in Sections 360.75(b)(2), 360.110(a)(8) and (e)(5) and 360.120(a)(6) and (g)(1)(H), need not be satisfied unless a human is used to hold the animal.

e) Additional Requirements for Veterinary X-Ray Systems

- 1) All individuals whose presence is required during an x-ray examination shall be protected from scatter radiation by

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protective aprons or gowns of not less than 0.25 millimeter lead equivalent or whole body protective barriers.

- 2) All exams and retakes shall be ordered by the veterinarian.
- 3) Unless required to restrain an animal, the operator shall stand at least 1.83 meters (6 feet) away from the useful beam and the animal during radiographic exposures.
- 4) No individual, other than the operator, shall be in the x-ray room or area while exposures are being made unless such individual's assistance is required.
- 5) When an animal must be held in position during radiography, mechanical supporting or restraining devices shall be used when technique permits.
- 6) When a person is required to hold an animal during a radiographic procedure, the individual shall be protected with appropriate shielding devices, such as protective gloves and apron, and the person shall be so positioned that no part of his/her body except hands and arms will be struck by the useful beam.

AGENCY NOTE: Veterinarians should review 32 Ill. Adm. Code 340.520 to and determine if individuals who hold animals will receive a radiation dose that would be sufficient to trigger the personnel monitoring requirements of that Part need to use individual monitoring devices.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

Section 360.110 Therapy Systems Operating Below 1 Mev

In addition to the provisions of Sections 360.10 through 360.30, the requirements of this Section apply to x-ray therapy systems and associated facilities operating at energies less than 1 Mev.

a) Facility Design

- 1) A therapeutic radiological physicist shall be consulted in the design of an x-ray therapy installation.
- 2) Shielding requirements
 - A) Each x-ray therapy installation shall be provided with

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such primary and secondary barriers as are necessary to assure compliance with 32 Ill. Adm. Code 340-1040-~~1040-1040-1050~~ 340-1040-~~and 340-1050~~.

- B) For all x-ray therapy systems capable of operating above 150 kVp installed after October 15, 1993, facility design information shall be submitted to the Department for review prior to installation of the x-ray therapy system. Information submitted to the Department shall include, but need not be limited to, the following:
 - i) Name and address of the planned installation.
 - ii) Name, address and telephone number of the therapeutic radiological physicist who was consulted in the design of the installation.
 - iii) A scale drawing that includes the location of the therapy system, control panel and doors to the room.
 - iv) The structural composition and thickness of all walls, doors, partitions, floor and ceiling of the installation.
 - v) The occupancy of areas adjacent to the installation.
 - vi) Calculations that demonstrate the adequacy of the amount of shielding specified for each primary and secondary protective barrier.
 - vii) Projected weekly dose rates in areas adjacent to the installation.

- 3) Interlock. X-ray therapy systems operating at greater than 150 kVp shall have an interlock installed on each door of the therapy room. The interlock shall be wired into the electrical circuit in such a manner that when the door is opened, for any reason, the generation of x-rays will automatically be terminated and irradiation can be resumed only by manually resetting the controls on the control panel after the door is closed.

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4) Doors. The doors to the therapy room shall be designed and installed to allow opening from the inside at all times and shall be capable of being opened manually.

5) Warning Lights. X-ray therapy systems operating above 150 kVp, and all therapy rooms to which access is possible through more than one entrance shall be provided with warning lights in a readily observable position near the outside of all access doors. The warning lights shall indicate when the useful beam is on.

6) Operator and control position

A) X-ray Therapy Systems Operating at 150 kVp and Below. The control panel and operator shall be located either outside the therapy room or behind a protective barrier within the room.

B) X-ray Therapy Systems Operating Above 150 kVp. The control panel and operator shall be located outside the therapy room.

7) Viewing System. Windows, mirrors, closed-circuit television or an equivalent system shall be provided to permit continuous visual observation of the patient during irradiation and shall be located so that the operator can observe the patient from the control panel.

AGENCY NOTE: When the primary viewing system is electronic, a back-up system should be available for use in the event of failure of the primary system in order to ensure compliance with the requirements of subsection (e)(5) below.

8) Communication. The facility design shall permit two-way aural communications between the patient and the operator at the control panel.

9) ~~Caution signs~~ Signs required by 32 Ill. Adm. Code ~~340-2030~~ 340.920 shall be posted in the facility.

b) Equipment Requirements

1) Leakage Radiation. When the tube is operated at its maximum rated continuous current for the maximum rated tube potential, the leakage radiation shall not exceed the value specified in the table below at the distance specified in

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the table for the classification of that x-ray system. Radiation measurements shall be averaged over an area up to, but not exceeding, 100 square centimeters.

X-Ray System	Leakage Limit	Measurement Location
Contact Therapy	25.8 microC/kg (0.1 R) per hour	5 centimeters from the tube housing
0 - 499 kVp	258 microC/kg (1 R) per hour	1 meter from the source
500 kVp - 999 kVp	0.1 percent of useful beam or 258 microC/kg (1 R) per hour, whichever is greater.	1 meter from the source

2) Beam-limiting devices

A) Permanent fixed diaphragms or cones used for limiting the useful beam shall provide the same or a higher degree of protection as required for the tube housing assembly.

B) Removable beam-limiting devices shall, for the portion of the useful beam to be blocked by these devices, transmit not more than one percent of the useful beam at the maximum kilovoltage and maximum treatment filter. This requirement does not apply to auxiliary blocks or materials placed in the useful beam to shape the useful beam to the individual patient.

C) Adjustable beam-limiting devices installed after October 15, 1993 shall meet the requirements of subsection (2)(B) above.

D) Adjustable beam-limiting devices installed on or before October 15, 1993 shall, for the portion of the x-ray beam to be blocked by these devices, transmit not more than five percent of the useful beam at the maximum kilovoltage and maximum treatment filter.

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- 3) Filter System. The filter system shall be designed so that:
 - A) The filters are securely positioned and will not become dislodged when the machine is positioned at any possible orientation;
 - B) The radiation dose at one meter from the filter insertion slot opening does not exceed 258 mC/kg (1 R) per hour when the machine is operated at its maximum current and maximum tube potential;
 - C) Each filter is labeled with its composition and thickness (for wedge filters, the wedge angle and maximum design field size shall appear on the wedge or wedge tray);
 - D) If the x-ray therapy system uses changeable filters, there is a filter indication system which permits recognition of any added filter in place and indicates from the control panel the presence of a particular filter or absence of any filter; and
 - E) For x-ray therapy systems installed after October 15, 1993, an interlock prevents irradiation if the selected filter is not installed.
- 4) Tube/Aperture Alignment. The x-ray tube shall be mounted so that it cannot turn or slide with respect to the housing aperture.
- 5) Tube Housing Stability. The tube housing shall remain stable during treatment unless tube housing movement is a designed function of the system.
- 6) Source-Skin Distance (SSD) Indication
 - A) Means shall be provided to indicate the SSD.
 - B) The SSD shall be indicated in centimeters and/or inches and the measured SSD shall correspond to the indicated value to within 0.5 percent.
- 7) Timer. A timer, which has a display at the control panel, shall be provided and shall meet the following requirement.

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- A) The timer shall be activated with the production of radiation;
 - B) For systems equipped with a shutter mechanism to control irradiation, the timer shall be activated when the shutter is opened;
 - C) The timer shall terminate irradiation when a pre-selected time has elapsed;
 - D) The timer shall permit presetting and determination of exposure times at least as short as 1 second; and
 - E) The timer shall not permit an exposure if the operator has not selected a time for the exposure.
- AGENCY NOTE: The control panel should be equipped with a count-up timer to serve as a back-up to the control timer.
- 8) Control Panel Functions. The control panel, in addition to the displays required in other provisions of this Section, shall have:
 - A) An indication of whether x-rays are being produced;
 - B) A means for indicating x-ray tube potential and current; and
 - C) A means for terminating an exposure at any time
 - 9) Shutters. Equipment that is provided with shutters shall meet the following requirements:
 - A) The shutters shall have a lead equivalency not less than that of the tube housing assembly;
 - B) The shutter shall be controlled electrically by the operator at the control panel; and
 - C) An indication of shutter position shall appear at the control panel
 - 10) Multiple Tubes. Control panels capable of energizing more than one x-ray tube shall meet the following requirements

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- A) It shall be possible to energize only one x-ray tube at any time;
- B) There shall be an indication at the control panel identifying which x-ray tube is energized; and
- C) There shall be an indication at the tube housing assembly when that tube is energized.
- 11) Low Filtration X-Ray Tubes. Each x-ray therapy system equipped with a beryllium window shall be clearly labeled as such upon the tube housing assembly and at the control panel.
- c) Radiation Protection Survey. A radiation protection survey shall be performed by a therapeutic radiological physicist on each x-ray therapy system. The registrant shall maintain at the facility a copy of the most recent radiation protection survey report for review by the Department. Radiation protection surveys shall meet the following additional requirements:
- 1) X-ray therapy systems installed after October 15, 1993 shall have a radiation protection survey performed by a physicist before the therapy system is first used for irradiation of a patient.
 - 2) For all x-ray therapy systems, a radiation protection survey shall be performed by a physicist after any change in the x-ray therapy system or facility that might produce a radiation hazard. Such survey shall be performed before the therapy system is used to treat patients.
 - 3) Survey reports shall include, but need not be limited to, the following:
 - A) A diagram of the facility which details building structures and the position of the control panel, x-ray therapy system and associated equipment;
 - B) A description of the x-ray therapy system including the manufacturer, model number and range of kilovolt potential;
 - C) A description of the instrumentation used to determine radiation measurements, including the date and source

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- of the most recent calibration for each instrument used;
- D) Conditions under which radiation measurements were taken; and
- E) Survey data including:
 - i) Projected weekly dose equivalent in areas adjacent to the therapy room; and
 - ii) A description of workload, use and occupancy factors employed in determining the projected weekly dose equivalent.
- 4) The registrant shall retain a copy of the radiation protection survey report and a copy of the report shall be provided to the Department within 30 days of completion of the survey.
- 5) Any deficiencies detected during the radiation protection survey that would constitute or result in a violation of 32 Ill. Adm. Code 340 shall be corrected prior to using the machine for treatment of patients.
- 6) The facility shall be operated in compliance with any limitations indicated by the therapeutic radiological physicist as a result of the radiation protection survey required by the Department.
- d) Calibrations and Quality Assurance Checks.
 - 1) Each x-ray therapy system installed after October 15, 1993 shall be calibrated by a therapeutic radiological physicist before the therapy system is first used for irradiation of a patient. ~~Quality assurance checks shall be made by a therapeutic radiological physicist at least once a year thereafter.~~
 - 2) The calibration of the x-ray therapy system shall include, but need not be limited to, determination of the following:
 - A) The radiation output, expressed as exposure rate in air or dose rate in tissue, as a function of distance, field size, x-ray tube potential and current, filters and treatment applicators used;

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- B) The half-value layer for each kilovoltage setting and filter combination used;
- C) The degree of congruence between the radiation field and the field indicated by each beam-limiting device; and
- D) An evaluation of the uniformity of the radiation field.
- 2) Quality assurance checks shall be made by a therapeutic radiological physicist at intervals not to exceed 1 year. Quality assurance checks shall include, but need not be limited to, determination of the following:
- A) The radiation output for a set of operating conditions specified by the therapeutic radiological physicist; and
- B) The coincidence of the radiation field and the field indicated by the beam-limiting device, except for systems equipped with fixed diaphragms or cones; and
- C) The therapeutic radiological physicist shall establish criteria for quality assurance check measurements and shall determine corrective actions to be implemented if the criteria are exceeded.

AGENCY NOTE: Quality assurance checks should be performed at a frequency which is appropriate for the particular therapy system, as determined by the therapeutic radiological physicist and based on the history of stability of the radiation output of the machine. A suggested frequency is one that would result in a quality assurance check being performed at least once during a typical patient's course of treatment.

- 3) Whenever service or maintenance is performed on the therapy system, a therapeutic radiological physicist shall be notified and shall determine whether a calibration or quality assurance check is necessary to verify the characteristics of the beam.

- 4) The therapeutic radiological physicist shall establish criteria for quality assurance check measurements and shall

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~~determine corrective actions to be implemented if the criteria are exceeded.~~

- 5) Measurements of the radiation output of the x-ray therapy system shall be performed using a dosimetry system that has been calibrated by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM). Calibration of the dosimetry system shall have been performed using a radiation beam of comparable half-value layer to the x-ray system to be calibrated. The dosimetry system shall meet one of the two conditions below:

- A) The calibration of the dosimetry system shall have been performed within the previous 2 years and after any servicing that may have affected the calibration of the dosimetry system; or
- B) The dosimetry system shall have been calibrated within the previous 4 years and shall have been subjected to a protocol which provides for checks of dosimetry constancy and provides for corrective action when results deviate by more than two percent from the expected values.

- 65) The registrant shall maintain at the facility records of machine calibrations, quality assurance checks and instrument calibrations for inspection by the Department for a period of 5 years. Records to be maintained by the registrant shall include, but need not be limited to, the following:

- A) Records of machine calibration and quality assurance check checks shall include identification of the x-ray therapy system, radiation measurements, the date the measurements were performed and the signature of the therapeutic radiological physicist who performed the measurements.

- B) Instrument calibration records shall include the date of the last calibration and identity of the calibration laboratory. If a dosimetry system has been subjected to a protocol as described in subsection (d)(54)(B) above, records shall be maintained that show the date and results of each constancy check performed on the system

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e) Operating Procedures

- 1) No x-ray therapy system shall be left unattended unless the system is secured against unauthorized use.
- 2) When a patient must be held in position for radiation therapy, mechanical supporting or restraining devices shall be used.
- 3) Other than the patient, no individual shall be in the therapy room unless such individual is protected by a barrier sufficient to meet the requirements of 32 Ill. Adm. Code 340.
- 4) Other than the patient, no individual shall be in the therapy room during exposures from x-ray therapy systems operating above 150 kVp.
- 5) The x-ray therapy system shall not be used for treatment of patients unless the operator can maintain visual observation of the patient and audible communication with the patient.
- 6) On contact therapy systems, a shield of at least 0.5 millimeter lead equivalency at 100 kVp shall be positioned over the entire useful beam exit port during periods when the tube is energized and the beam is not being ~~applied to a patient~~ used.
- 7) The tube housing assembly shall not be held by hand during operation unless the x-ray therapy system is designed to require such holding and the peak tube potential of the system does not exceed 50 kilovolts. In such cases, the person holding the tube shall wear protective gloves and apron of not less than 0.5 millimeter lead equivalency at 100 kVp.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 360.120 Therapy Systems Operating at 1 MeV or Greater

In addition to the provisions of Sections 360.10 through 360.30, the requirements of this Section apply to particle accelerator systems operating at energies of 1 MeV or greater. Accelerator systems capable of producing radioactive materials in excess of the exempt quantities specified in 32 Ill. Adm. Code 330.Appendix B shall also be licensed pursuant to the provisions of 32 Ill. Adm. Code 330.

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a) Facility Design

- 1) The registrant shall consult a therapeutic radiological physicist in the design of a particle accelerator installation.
- 2) Shielding Requirements
 - A) Each accelerator installation shall be provided with such primary and secondary barriers as are necessary to assure compliance with 32 Ill. Adm. Code 340-~~1040-1050~~ ~~340-1040~~ and ~~340-1050~~.
 - B) Facility design information for all accelerators installed after October 15, 1993 shall be submitted to the Department for review prior to installation. Information submitted to the Department shall include, but need not be limited to, the following:
 - i) Name and address of the planned installation;
 - ii) Name, address and telephone number of the therapeutic radiological physicist who was consulted in the design of the installation;
 - iii) A scale drawing that includes the location of the accelerator, control panel and doors to the room;
 - iv) The structural composition and thickness of all walls, doors, partitions, floor and ceiling of the installation;
 - v) The occupancy of areas adjacent to the installation;
 - vi) Calculations that demonstrate the adequacy of the amount of shielding specified for each primary and secondary protective barrier; and
 - vii) Projected weekly dose rates in areas adjacent to the installation.
- 3) Interlock. An interlock shall be installed on each door of the therapy room. The interlock shall be wired into the electrical circuit in such a manner that when the door is

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opened for any reason, the generation of radiation beams will automatically be terminated and irradiation can be resumed only by manually resetting the controls on the control panel after the door is closed.

- 4) Warning lights that indicate when the beam is on shall be provided in a readily observable position near the outside of all access doors to the therapy room.
- 5) Viewing System. Windows, mirrors, closed-circuit television or an equivalent system shall be provided to permit continuous visual observation of the patient during irradiation and shall be located so that the operator can observe the patient from the control panel.

AGENCY NOTE: When the primary viewing system is electronic, a back-up system should be available for use in the event of failure of the primary system in order to ensure compliance with the requirements of subsection (g)(1)(H) below.

- 6) The facility design shall permit two-way aural communications between the patient and the operator at the control panel.
- 7) ~~Caution signs~~ Signs required by 32 Ill. Adm. Code ~~340-2030~~ 340.920 shall be posted in the facility.
- 8) The control panel shall be outside the therapy room.
- 9) The facility design shall include emergency off buttons, at locations that allow shutting off the machine from inside the therapy room and at the control panel.
- 10) The doors to the therapy room shall be designed to allow opening from the inside at all times and shall be capable of being opened manually.

b) Equipment Requirements

- 1) Leakage radiation to the patient area shall be measured for each accelerator. Measurements shall be repeated following maintenance or service performed on the accelerator, as determined by a therapeutic radiological physicist

- A) For operating conditions producing maximum leakage radiation, the absorbed dose due to leakage radiation.

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excluding neutrons, at any point in a circular plane of 2 meters radius centered on and perpendicular to the central axis of the beam at the isocenter or normal treatment distance and outside the maximum useful beam size shall not exceed 0.1 percent of the maximum absorbed dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the plane surface. Radiation measurements shall be averaged over an area up to but not exceeding 100 square centimeters.

- B) Records of the most recent radiation leakage measurements and the machine parameters used during the survey shall be maintained at the facility for inspection by the Department.

- 2) Beam-limiting Devices. Adjustable or interchangeable beam-limiting devices shall transmit no more than two percent of the useful beam at the normal treatment distance for the portion of the useful beam that is to be attenuated by the beam-limiting device. The neutron component of the useful beam shall not be subject to this requirement. This requirement does not apply to auxiliary blocks or materials placed in the useful beam to shape the useful beam to the individual patient.

3) Source-Skin Distance (SSD) Indication

- A) Means shall be provided to indicate the SSD.
- B) The SSD shall be indicated in centimeters and/or inches and the measured SSD shall correspond to the indicated value to within 0.5 percent

4) Filters

- A) Each filter that is removable from the system shall be clearly marked with an identification number. Documentation available at the control panel shall contain a description of the filter. For wedge filters, the wedge angle and maximum design field size shall appear on the wedge or wedge tray.

- B) If the machine calibration measurements required by subsection (d) below relate exclusively to ~~neutrons~~ with an x-ray field flattening filter or electron beam

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- scattering filter in place, such filters shall be removable from the machine only by the use of tools.
- C) Equipment utilizing a system of wedge filters, interchangeable field flattening filters or interchangeable beam scattering filters shall meet the following requirements:
- i) The equipment shall have an interlock that prevents irradiation if any filter selection operation carried out in the therapy room is not consistent with the selection of filter, beam type or beam energy at the control panel; and
 - ii) The equipment shall have an interlock system that prevents irradiation if any selected filter is not in the correct position.
- 5) Beam Monitoring System. All accelerator systems shall be provided with a beam monitoring system in the radiation head capable of monitoring and terminating irradiation.
- A) Each beam monitoring system shall have a display at the treatment control panel which shall register accumulated monitor units.
 - B) The beam monitoring system shall terminate irradiation when the preselected number of monitor units has been detected by the system.
 - C) Accelerator systems installed after October 15, 1993 shall be equipped with a primary and a secondary beam monitoring system. Each beam monitoring system shall be independently capable of monitoring and terminating irradiation.
 - D) For units with a secondary beam monitoring system, the primary beam monitoring system shall terminate irradiation when the preselected number of monitor units has been detected. The secondary beam monitoring system shall terminate irradiation if the primary system fails.
 - E) An interlock device shall prevent irradiation if any beam monitoring system is inoperable.

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- F) In the event of power failure, the display information required in subsection (b)(5)(A) above, shall be retrievable in at least one system for 20 minutes.
- 6) Beam Symmetry. For equipment equipped with beam bending magnets, the symmetry of the radiation beam in two orthogonal directions shall be monitored before the beam passes through the beam-limiting device. The equipment shall provide means of terminating irradiation automatically if the difference in dose rate between one region and another region exceeds criteria specified by the manufacturer.
- 7) Control Panel
- A) Selection and Display of Monitor Units
 - i) Irradiation shall not be possible until a selection of a number of monitor units has been made at the control panel.
 - ii) The selected number of monitor units shall be displayed at the control panel until reset.
 - iii) After completion of irradiation, it shall be necessary to reset the accumulated beam monitor units before treatment can be restarted.
 - B) Termination of Irradiation. It shall be possible to terminate irradiation and equipment movements at any time from the operator's position at the control panel.
 - C) Selection of Radiation Type. Equipment capable of both photon and electron therapy shall meet the following requirements:
 - i) Irradiation shall not be possible until the radiation type has been selected and displayed at the control panel.
 - ii) An interlock shall be provided to ensure that the machine will emit only the radiation type that has been selected.

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- iii) An interlock shall be provided to prevent irradiation with x-rays, except to obtain port films, when electron applicators are installed.
 - iv) An interlock shall be provided to prevent irradiation with electrons if accessories specific for x-ray therapy are installed.
- D) Selection of Radiation Energy. Equipment capable of producing radiation beams of different energies shall meet the following requirements:
- i) Irradiation shall not be possible until a selection of energy has been made at the control panel.
 - ii) An interlock shall be provided to ensure that the machine will emit only the nominal energy of radiation that has been selected.
 - iii) The nominal value of the energy selected shall be displayed at the treatment control panel.
- E) Selection of Stationary or Moving Beam Therapy. Equipment capable of both stationary and moving beam therapy shall meet the following requirements:
- i) Irradiation shall not be possible unless either stationary therapy or moving beam therapy has been selected at the control panel. The selection of stationary therapy may be performed as a default selection if moving beam therapy is not selected.
 - ii) An interlock shall be provided to ensure that the machine will operate only in the mode ~~which~~ that has been selected.
 - iii) An interlock shall be provided to terminate irradiation if the gantry fails to move properly during moving beam therapy.
 - iv) Means shall be provided to prevent movement of the gantry during stationary therapy.

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- v) The mode of operation shall be displayed at the control panel.
- F) Timers. A timer shall be provided with a display at the treatment control panel, as a back-up device to the beam monitoring system.
- i) The timer shall permit presetting and determination of exposure times.
 - ii) The timer shall be a cumulative timer which activates with the production of radiation and retains its reading after irradiation is interrupted or terminated.
 - iii) The timer shall terminate irradiation when a preselected time has elapsed if the beam monitoring system has not previously terminated irradiation. If set at zero, the timer shall not permit irradiation.
- G) Security. The control panel shall be capable of being locked to prevent unauthorized use.
- C) Radiation Protection Survey. A radiation protection survey shall be performed by a therapeutic radiological physicist on each accelerator. The registrant shall maintain at the facility a copy of the most recent radiation protection survey report for review by the Department. Radiation protection surveys shall meet the following additional requirements:
- 1) For each accelerator installed after October 15, 1993, a radiation protection survey shall be performed by a physicist before the system is first used for irradiation of a patient. The physicist who performs the radiation protection survey shall be a person who did not consult in the design of the accelerator installation (see subsection (a) above) and is not employed by or within any corporation or partnership with the person who consulted in the design of the installation.
 - 2) A radiation protection survey shall be performed by a physicist after any change in the accelerator or facility that might produce a radiation hazard. Such survey shall be performed before the system is used to treat patients

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- 3) The survey report shall include, but need not be limited to, the following:
- A) A diagram of the facility which details building structures and the position of the control panel, accelerator and associated equipment;
 - B) A description of the accelerator system including the manufacturer, model number, beam type and beam energy range;
 - C) A description of the instrumentation used to determine radiation measurements, including the date and source of the most recent calibration for each instrument used;
 - D) Conditions under which radiation measurements were taken;
 - E) Survey data including:
 - i) Projected weekly dose equivalent in areas adjacent to the therapy room; and
 - ii) A description of workload, use and occupancy factors employed in determining the projected weekly dose equivalent.
- 4) The registrant shall retain a copy of the radiation protection survey report and a copy of the report shall be provided to the Department within 30 days of completion of the survey.
- 5) Any deficiencies detected during the radiation protection survey that would constitute or result in a violation of 32 Ill. Adm. Code 340 shall be corrected prior to using the machine for treatment of patients.
- 6) The facility shall be operated in compliance with any limitations indicated by the therapeutic radiological physicist as a result of the radiation protection survey.
- d) Machine Calibration. Calibration measurements shall be performed on each accelerator system by a therapeutic radiological physicist before the therapy system is first used for irradiation of a

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- patient. Subsequent calibrations shall be performed at intervals not exceeding 1 year.
- 1) Calibration measurements shall include, but need not be limited to, the following determinations:
 - A) Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, variation in the axes of rotation for the table, gantry and jaw system, and beam flatness and symmetry at the specified depth;
 - B) The absorbed dose rate at various depths in water for the range of field sizes used, for each beam type and energy;
 - C) The uniformity of the radiation field and any dependency upon the direction of the beam;
 - D) Verification that existing depth-dose data and isodose charts applicable to the specific machine continue to be valid or are updated to existing machine conditions; and
 - E) Verification of transmission factors for all accessories such as wedges, shadow trays and compensators, as applicable.
 - 2) Calibration radiation measurements shall be performed using a dosimetry system that has been calibrated by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM), and meets the requirements of either subsection (A) or (B) below:
 - A) The calibration shall have been performed within the previous 2 years and after any servicing that may have affected calibration of the dosimetry system; or
 - B) The dosimetry system shall have been calibrated within the previous 4 years and shall have been:
 - i) Compared at annual intervals following the calibration to a dosimetry system with calibration obtained within the previous 2 years from a calibration laboratory accredited by the AAPM, and the results of the comparison indicate

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the calibration factor has not changed by more than two percent; or

- ii) Subjected to a testing protocol that has been established by a therapeutic radiological physicist and that provides for checks of dosimetry constancy and provides for corrective action when results deviate more than two percent from the expected values.

AGENCY NOTE: Redundancy is a basic tenet of radiation dosimetry, therefore the therapeutic radiological physicist should establish a program of inter-comparison and constancy testing of calibrated dosimetry instruments to assure, as much as possible, the accuracy, reliability and reproducibility of the measurements performed with those instruments.

- 3) Calibration of the radiation output of the accelerator shall be performed in accordance with:

- A) The protocol of Task Group 21, Radiation Therapy Committee, American Association of Physicists in Medicine (AAPM), entitled "A Protocol for the Determination of Absorbed Dose from High-Energy Photon and Electron Beams" published in Medical Physics, Volume 10, pages 741-771 (1983), exclusive of subsequent amendments or editions; or

- B) The protocol of the Scientific Committee on Radiation Dosimetry of the AAPM, entitled "Protocol for the Dosimetry of X and Gamma Ray Beams with Maximum Energies Between 0.6 and 50 MeV", published in Physics, Medicine, and Biology, Volume 16, pages 379-396 (1971), exclusive of subsequent amendments or editions; or

- C) Other machine calibration protocols provided that the registrant has submitted the protocols to the Department and the protocols cover the same topics as those contained in subsections (d)(3)(A) and (B) above.

Attcher Holt. Copies of the two protocols referenced above are available for public inspection at the

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Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. The protocols may also be obtained directly from the AAPM, ~~335 East 45th Street, New York, NY 10017~~ One Physics Ellipse, College Park, MD 20740-3846.

- 4) The radiation output of each therapy system shall be independently verified at intervals not to exceed 2 years. Independent verification shall consist of:

- A) Verification of the machine output by a therapeutic radiological physicist who is not employed at the facility and does not perform the annual calibration; or

- B) Alternate methods of verification of machine output, such as the use of mailed dosimetry devices, that use devices and procedures approved by the AAPM.

- 5) Machine calibration records shall include identification of the accelerator calibrated, the results of the tests specified in subsection (d)(1) above and shall be signed and dated by the therapeutic radiological physicist who performed the calibration.

- 6) The registrant shall maintain at the facility, for a period of 5 years, records of machine calibrations, instrument calibrations, and independent verifications of machine output for inspection by the Department.

- e) Quality Assurance Checks. A quality assurance (QA) check shall be performed by a therapeutic radiological physicist on each therapy system each calendar month. The interval between QA checks shall not exceed 45 days. QA checks shall also be performed after any change which could affect the radiation output, spatial distribution or other characteristics of the therapy beam, as determined by the physicist. Quality assurance checks shall also meet the following requirements:

- 1) Quality assurance checks shall include determination of:

- A) The radiation output for a set of operating conditions specified by a therapeutic radiological physicist; and
- B) The coincidence of the radiation field and the field indicated by the localizing device

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- 2) Radiation measurements shall be obtained using a dosimetry system that:
- A) Meets the requirements of subsection (d)(2) above; or
 - B) Has been directly compared by a therapeutic radiological physicist within the previous year with a dosimetry system which meets the requirements of subsection (d)(2) above.
- 3) The therapeutic radiological physicist shall establish criteria for quality assurance check measurements and shall determine corrective actions to be implemented if the criteria are exceeded.
- 4) The registrant shall retain a record of quality assurance check measurements for inspection by the Department for a period of 5 years. The record shall include the date of the quality assurance check, identification of the accelerator, results of the quality assurance check measurements and the signature of the individual who performed the quality assurance check.
- f) Quality Control. A comprehensive quality control program shall be implemented as specified by a therapeutic radiological physicist and shall meet the following requirements:
- 1) The program shall be designed to test the operation and performance of the accelerator in order to maintain radiation safety and clinical reliability. The program shall include as a minimum the items listed in Section 360. Appendix E.
 - 2) The physicist shall specify the tolerance and frequency of performance for each item of the quality control program.
 - 3) The physicist shall specify what actions are to be taken for any item exceeding the specified tolerance.
 - 4) The physicist shall review, sign and date the results of the quality control program each calendar month.

AGENCY NOTE: The elements of a comprehensive quality control program are described in Report No. 13 published by the AAPM, entitled "Physical Aspects of Quality Assurance in Radiation Therapy" (1984). A copy of this report is

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available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. Report No. 13 may also be obtained directly from the AAPM, 335 East 45th Street, New York, NY 10017 One Physics Ellipse, College Park, MD 20740-3846.

- g) Operating Procedures. The registrant shall have a therapeutic radiological physicist establish written operating and emergency procedures and shall ensure that the procedures are implemented before the accelerator is used for treatment of patients. Operators of accelerators shall receive training in the application of the procedures before using the accelerator to irradiate patients. A copy of the current operating and emergency procedures shall be maintained at the treatment control panel for use and review.
- 1) Operating procedures to be implemented shall include instructions that:
 - A) The accelerator is used in such a manner that patients, workers and the general public are protected from radiation hazards and the provisions of 32 Ill. Adm. Code 340 are met;
 - B) No accelerator shall be left unattended unless it is secured against unauthorized use;
 - C) The safety interlock system shall not be used to turn off the beam except in an emergency;
 - D) The safety interlocks and warning systems required in subsections (a)(3), (a)(4) and (a)(9) above shall be tested for proper operation at monthly intervals;
 - E) Mechanical supporting or restraining devices shall be used when a patient must be held in position for radiation therapy;
 - F) No individual other than the patient shall be in the therapy room during irradiation;
 - G) Start-up procedures for the accelerator, specified by the therapeutic radiological physicist, shall be performed daily prior to treatment of patients; and

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- H) The accelerator shall not be used for treatment of patients unless the operator can maintain visual observation of the patient and audible communication with the patient.

- 2) Emergency procedures shall include instructions for alternate methods for termination of irradiation and machine movements.

AGENCY NOTE: The operating and emergency procedures should contain as a minimum the machine manufacturer's operations manual for the accelerator.

- 3) Operating and emergency procedures shall include instructions for contacting the therapeutic radiological physicist when operational problems or emergencies occur and the actions that are to be taken until the physicist can be contacted.

- b) Machine Maintenance. The therapeutic radiological physicist shall establish accelerator maintenance procedures that meet the following requirements:

- 1) Whenever service or maintenance is performed on the accelerator, a therapeutic radiological physicist shall be notified of such service or maintenance.

- 2) Following completion of service or maintenance involving radiation beam generation, beam steering or monitoring of the beam, but before the accelerator is again used for treatment of patients, the therapeutic radiological physicist shall review the service or maintenance report and shall determine whether a calibration or quality assurance check is necessary to verify the characteristics of the beam(s). If the therapeutic radiological physicist determines that a calibration or quality assurance check is necessary, the calibration or quality assurance check shall be performed before the accelerator is again used for treatment of patients.

- 3) The therapeutic radiological physicist shall establish the frequency of routine maintenance and ensure that records of all service and maintenance performed on the machine are maintained at the facility.

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- 4) The therapeutic radiological physicist shall sign and date records of all service and maintenance performed on the machine.
- 5) The therapeutic radiological physicist shall specify the qualifications of maintenance personnel and prohibit non-qualified personnel from repairing the machine or adjusting parameters on the machine.
- 6) Circuit diagrams of the accelerator and interlock systems shall be maintained at the facility and kept current.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 360. APPENDIX A Medical Radiographic Entrance Exposure Measurement Protocol

The following protocol shall be used for measuring and calculating entrance skin exposures (ESE) for routine diagnostic examinations. Radiation measurements shall be performed with a calibrated radiation measuring device that is sufficiently sensitive to determine compliance with the criteria specified in Section 360.60(e). The instrument shall have been calibrated within the previous 12 months with devices which have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology. Patients are not involved in the measurement protocol.

- a) Position the x-ray tube at the source-image receptor distance (SID) routinely used and adjust the collimation to the size routinely used for the examination.
- b) Measure the distance from the x-ray source to the surface against which the patient rests. Subtract the thickness of the patient to obtain the source-skin distance (SSD). The standard patient thickness for each projection to be measured shall be the following:

Projection	Thickness (cm)
Chest (PA), Grid	23
Chest (PA), Non-Grid	23
Abdomen (KUB)	23
Lumbo-Sacral Spine (AP)	23
Cervical Spine (AP)	13
Skull (lateral)	15
Foot (D/P)	8

- c) Place a radiation measuring device in the center of the useful beam, measure and record the distance from the source to the device (SSD). Use of a test stand to position the device away from the table will reduce backscatter contribution. Placing the radiation measuring device at the actual source-skin distance (SSD) will accomplish this and allow direct reading of the ESE.

- d) Set the exposure technique as follows:

- 1) For non-phototimed x-ray systems, set the controls to the exposure technique used by the x-ray operator for the standard patient thickness specified in subsection (b) above.

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- 2) For phototimed x-ray systems, set the controls to the exposure technique used by the x-ray operator for the standard patient thickness specified in subsection (b) above, and use one of the two methods below:

- A) Place an appropriate phantom (simulating body attenuation) in the useful beam between the radiation measuring device and the radiographic tabletop; or
- B) Set an appropriate exposure technique in the manual mode (without activation of the phototimer).

AGENCY NOTE: Specifications for appropriate phantoms are included in the American Association of Physicists in Medicine (AAPM) Report No. 31, entitled "Standardized Methods for Measuring Diagnostic X-Ray Exposures" (July 1990).

AGENCY NOTE: A copy of this report is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, IL. Copies of this report may also be obtained from the American Institute of Physics, 64 Depot Road, Colchester, VT 05446 AAPM, One Physics Ellipse, College Park, MD 20740-3846.

- e) Make a radiographic exposure (without patient) and record the reading obtained from the radiation measuring device.
- f) Calculate the entrance skin exposure for the specific examination, using the radiation exposure reading from subsection (e) above and the equation below (if a direct result was not obtained with the dosimeter at the SSD):

The entrance skin exposure equals the product of the radiation exposure reading from subsection (e) above multiplied by the square of the ratio of the SSD, to the SSD. This expression is mathematically represented by the equation below (if a direct result was not obtained with the dosimeter at the SSD):

$$ESE = (\text{Dosimeter Reading}) \times \left[\frac{SSD}{SSD} \right]^2$$

where: SSD = source-radiation measuring device distance
SSD = source to skin distance

DEPARTMENT OF NUCLEAR SAFETY
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HVL mm Al	Mo-Mo Target-Filter kVp, Tube Voltage (kVp)										W A Target- Filter Combination
	23	24	25	26	27	28	29	30	31	32	33
0.41								194	195	196	196
0.42										200	200
0.43											204
0.44											230
0.45											234
											238

AGENCY NOTE: Adapted from: Quality Control Manual for Mammography: Medical Physicist's Manual, 1992, American College of Radiology/American Cancer Society.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
120.382 Amendment
120.386 Amendment
- 4) Statutory Authority: Partnership for Long Term Care Act (Ill. Rev. Stat. 1991, ch. 23, par. 6801-1 et seq.) [320 ILCS 35] and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved:

These amendments are being proposed in conjunction with rules being proposed by the Department of Insurance which also appear in this issue of the Illinois Register. The Department of Insurance rules establish requirements for insurance policies which may be issued under the Long Term Care Partnership Insurance Program.

These amendments to the Department of Public Aid's rules governing Medical Assistance Programs (89 Ill. Adm. Code 120) add provisions concerning the consideration of assets and property transfers related to insurance policies which meet the requirements of the Long Term Care Partnership Insurance Program. The amendments to Section 120.382 provide that the amount of benefit payments under a qualifying policy will be disregarded as part of the asset disregard for determining Medicaid eligibility. The amendments to Section 120.386 provide that these payments are also exempt from the property transfer provisions for determining Medicaid eligibility. By changing the impact of these insurance benefits on Medicaid eligibility these amendments are intended to provide an incentive for individuals to purchase policies under the Long Term Care Partnership Insurance Program.

Related rules are also being proposed by two other agencies in this issue of the Illinois Register. The Department on Aging is proposing 89 Ill. Adm. 260 and the Department of Rehabilitation Services is proposing 89 Ill. Adm. Code 688. These rules establish procedures for these agencies to administer the portions of the program for which they are responsible under the Partnership for Long Term Care Act. Interested persons should also review these related proposed rules.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.20	Amendment	December 31, 1993 (17 Ill. Reg. 22321)
120.30	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.30	Amendment	December 31, 1993 (17 Ill. Reg. 22321)
120.324	Repeal; New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.325	Repeal; New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.326	New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.327	New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.345	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.382	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.388	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.389	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.390	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

Public hearings on these proposed amendments and the related rules being proposed by the Department of Insurance, Department on Aging and Department of Rehabilitation Services will be held to provide an additional opportunity for public comment. These hearings are scheduled for the following dates, times and locations:

- April 12, 1994 (Tuesday) 9:00 A.M. to Noon
Room 161 (Auditorium)
Michael J. Howlett Building
Springfield, Illinois
- April 14, 1994 (Thursday) 1:00 P.M. to 4:00 P.M.
Room 9-040
James R. Thompson Center
100 West Randolph Street
Chicago, Illinois

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections

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1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 8, 1994
- B) Types of small businesses affected: Insurance companies and insurance-related businesses, nursing facilities, home health agencies, other health care businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

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SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70 Supplementary Medical Insurance Benefits (SMB) Buy-In Program
120.71 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program
SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)

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120.271 Income From Work/Study/Training Program (Repealed)
 120.272 Earned Income From Self-Employment (Repealed)
 120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.325 Foster Care Program
 120.326 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earned Income
 120.346 Medicaid Qualifying Trusts

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120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Assessment of Assets
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Effective-for-Applications-Filed-on-or-After October-1,-1989
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
 120.395 Payment Levels for MANG
 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3-1, 5/4-1, 5/5-1, 5/6-1, 5/7-1 and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of

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150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253,

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effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days;

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amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.382 Asset Disregard

In addition to the exempt asset listed in Section 120.381, the cash value of assets shall be disregarded as follows:

- a) MANG (AABD)
 - 1) \$2,000.00 for a client and \$3,000.00 for a client and one dependent residing together.
 - 2) \$50.00 for each additional dependent residing in the same household.
 - 3) The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy as described in 50 Ill. Adm. Code 2018.
- 4) 3) Eligibility for MANG does not exist when non-exempt assets exceed the above disregard.
- b) MANG(C)

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Section 120.382(b) (continued)

- 1) \$2,000.00 for a one person assistance unit and \$3,000.00 for a two-person assistance unit.
- 2) \$50.00 for each additional member of the assistance unit.
- c) Qualified Medicare Beneficiary (QMB)
 - 1) \$4,000 for a single person and \$6,000 for a person with one or more dependents.
 - 2) Eligibility for QMB status does not exist when countable assets exceed the above disregard.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989

a) Applicability

- 1) The provisions for the transfer of property (i.e., assets) in this Section listed below apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- 2) Transfers of property disregarded as a result of payments made by a Long Term Care Partnership Insurance Policy (as described in 50 Ill. Admin Code 2018) are not subject to the provisions of subsection (b), (c), and (d) below.
- b) 3) The provisions for the transfer of property (i.e., assets) listed in subsections (b), (c), and (d) (a), (e), and (f) below apply to a resident's spouse when the resident applies for Medicaid on or after June 1, 1991, if the transfer occurs on or after December 20, 1989, and to a resident's spouse when the resident's application for Medicaid is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.
- e) 4) The provisions listed in subsections (b), (c), and (d) (a), (e), and (f) below do not apply to eligibility determinations for individuals who reside in the community.

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Section 120.386 (continued)

- b) d) A transfer of assets occurs when a resident of a long term care facility or the resident spouse buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.
- c) e) A transfer is allowable if:
- 1) the transfer occurred more than ~~thirty~~(30) months from the date of application;
 - 2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;
 - 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
 - 4) homestead property was transferred to:
 - A) a spouse;
 - B) the individual's child who is under age 21;
 - C) the individual's child who is blind or permanently and totally disabled;
 - D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility or;
 - E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility;
 - 5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000

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Section 120.386(c)(5) (continued)

- that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:
- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described in Section 120.61 at 89-111--Adm, Code-120-61) as determined by a fair hearing; or
 - B) The amount transferred under a court order to the community spouse;
 - 6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
 - 7) the individual intended to transfer the assets for fair market value;
 - 8) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
 - A) the resident is mentally unable to explain how the assets were transferred;
 - B) the denial of assistance would force the resident to move from the long term care facility; or
 - C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family;
 - 9) it is determined that the transfer was made for a reason other than to qualify for assistance;
 - 10) the transfer by the resident was to the community spouse and was the result of a court order; or

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Section 120.385(c) (continued)

- 11) the individual did not consent to or assist in the transfer (for example, a joint bank account in which monies are withdrawn without the permission of the individual).

d) If the transfer does not fall within the listing of subsection (c) (e) above, the resident is ineligible beginning with the month in which such assets were transferred and until whichever occurs first:

- 1) the period of time the uncompensated amount of the asset would meet the monthly cost of long term care (private rate) at the facility; or
- 2) the end of thirty-(30) months from the month of the transfer.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Payment2) Code Citation: 89 Ill. Adm. Code 1403) Section Numbers: Proposed Action:

140.530

Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]5) Complete Description of the Subjects and Issues Involved: These proposed amendments to Section 140.530 of the Department of Public Aid's rules on medical payment (89 Ill. Adm. Code 140) provide a mechanism for the Department to recognize additional costs in the operation of county-owned nursing facilities. Under the proposed amendments any county which owns a nursing facility will certify to the Department any costs which exceed the reimbursable costs under the Department's rules. These costs must be allowable costs as defined in the rules. A definition of county-owned nursing facility is also being added to Section 140.530.

These proposed amendments will increase the funds available for reimbursement of nursing facility costs by allowing the Department to claim federal matching funds for these expenses. The estimated increase in federal funds resulting from these amendments is expected to be approximately \$2 million.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.3	Amendment	October 29, 1993 (17 Ill. Reg. 18768)
140.643	Amendment	October 29, 1993 (17 Ill. Reg. 18768)
140.645	Amendment	October 29, 1993 (17 Ill. Reg. 18768)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments

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must be in writing and should be addressed to Joann Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 624 South Michigan Avenue, 13th Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
March 3, 1994
 - B) Types of small businesses affected: Long term care facilities, county-owned nursing facilities
 - C) Reporting, bookkeeping or other procedures required for compliance:
None
 - D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under GA
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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140.31	Emergency Services Audits
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140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)
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140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)

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140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
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140.365	Base Year Costs (Recodified)
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140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
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140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
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140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
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 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics
 140.465 Speech and Hearing Clinics (Repealed)
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 140.471 Home Health Covered Services
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 EQUITY (ICARE) PROGRAM

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 140.942 Definition of Terms (Recodified)
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 140.TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7, and 5/12-13]

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629,

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effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988;

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emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207; amended at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 1241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990,

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for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17

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111. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. _____, effective February 28, 1994; amended at 18 Ill. Reg. _____, effective March 4, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART E: GROUP CARE

Section 140.530 Basis of Payment for Long Term Care Services

a) The amount approved for payment for long term care services is based on the type and amount of services required by and actually being furnished to a resident and is determined in accordance with the Department's rate schedule.

b) Costs not related to patient care, as well as costs in excess of those required for the efficient and economical delivery of care, will not be reimbursed.

c) Rates and payments.

1) Rates for long term care services shall be the sum of the reimbursable costs of capital, support, and nursing, as defined in this Part and 89 Ill. Adm. Code 147.

2) Additionally, for county-owned nursing facilities, rates shall include allowable costs incurred in excess of the reimbursable costs defined in this Part and 89 Ill. Adm. Code 147. Costs in excess of reimbursable costs shall be certified, in writing, by the county to the Department.

3) Payment for long term care services is on a per diem basis. In determining the number of days for which payment can be made, the day of admission to the facility is counted. The day of discharge from the facility is not counted, unless it is the day of death, and the death occurs in the facility, or a reserved bed has been authorized for that day.

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Section 140.530(c) (continued)

- 4) Payments by the Department for long term care services shall not exceed reimbursable costs as defined in this Part and 89 Ill. Adm. Code 147.

d) Definitions.

- 1) "Allowable costs" are those which are appropriate patient care expenditures as defined in the Department's administrative rules.
- 2) "Reasonable costs" for specific types of expenditures are costs which conform to the Department's administrative rules and do not exceed guidelines established by the Office of Health Finance.
- 3) "Reimbursable costs" are determined by the application of statistical standardizations of allowable costs for all providers provider within various defined groups to the costs of individual providers within such groups.
- 4) "County-owned nursing facility" is a nursing facility owned and operated by an Illinois county.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Long-Term Care Partnership Demonstration Program
- 2) Code Citation: 89 Ill. Adm. Code 688
- 3) Section Numbers:
 688.10 Proposed Action:
 New Rule
 688.20 New Rule
 688.30 New Rule
 688.40 New Rule
- 4) Statutory Authority: Partnership for Long-Term Care Act (Ill. Rev. Stat. 1991, ch. 23, par. 6801-1 et seq.) [320 ILCS 35] and Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)). [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues involved: The purpose of this regulation is to implement Public Act 87-163 through the establishment of a private/public Long-Term Care Insurance Demonstration Program. Regulation 688 is composed of 4 Subsections: 688.10 Authority and Purpose, 688.20 Eligibility, 688.30 Appeals, and 688.40 Scope of Services. The Department of Rehabilitation will file this rule in conjunction with the Department of Aging and the Department of Insurance.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes ☒ No ☐
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Section Numbers Proposed Action Illinois Register Citation
Statement of Statewide Policy Objectives (if applicable):
This is not applicable to this Rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 688

Illinois Long-Term Care Partnership Demonstration Program

Section	Authority and Purpose
688.10	Eligibility Requirement
688.20	Appeals
688.30	Scope of Services
688.40	

AUTHORITY: Partnership for Long-Term Care Act (Ill. Rev. Stat. 1991, ch. 23, par. 6801-1 et seq.) [320 ILCS 35] and Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)).
[20 ILCS 2405/3].

SOURCE: Adopted and codified at 18 Ill. Reg. _____, effective _____.

Section 688.10 Authority and Purpose

- a) In conjunction with the Illinois Department on Aging and the Illinois Department of Insurance this regulation is promulgated pursuant to the provisions of Public Act 87-163, "The Partnership For Long-Term Care Act."

- b) The purpose of this regulation is to implement Public Act 87-163 through the establishment of a private/public Long-Term Care Insurance Demonstration Program. This program will allow individuals who purchase private long-term care insurance that meets State standards, and that sustain extended periods of chronic illness that exhausts their private insurance benefits, to be eligible for continued in home support services through the Medicaid program based on their meeting specific resource eligibility requirements.

Section 688.20 Eligibility Requirement

An individual under age 60 whose Long-Term Care Partnership Demonstration Program benefits have been exhausted shall be considered eligible for the DORS Home Services Program, as set forth in 89 Ill. Adm. Code 685 and 690, with the following exceptions:

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NOTICE OF PROPOSED RULES

- a) non-exempt assets cannot exceed the sum of qualifying insurance benefit payments made as the result of coverage under a Long-Term Care Partnership Insurance Policy as described in 50 Ill. Adm. Code 2018 plus non-exempt assets as those contained within 89 Ill. Adm. Code 687.200;
- b) points scored on the Determination of Need (DON) need only be at least 15 points of Part A of the DON, at least 10 points of which may be earned on the Mini-Mental State Exam (MMSE);

Section 688.30 Appeals

- a) Pursuant to 50 Ill. Adm. Code 2018.100 individuals under age sixty (60) have the right to appeal a determination of ineligibility for benefits or a designated plan of care under the Long-Term Care Partnership Demonstration Program by contacting DORS. These appeals will be conducted in accordance with 89 Ill. Adm. Code 510. The Level I Hearing Officer for appeals under this section will be the HSP Advisors. Level II appeals will be heard pursuant to the regulation as set forth in 89 Ill. Adm. Code 510.90.

- b) Individuals that have reached sixty (60) years of age or more may appeal a determination of ineligibility pursuant to the regulations as set forth in 89 Ill. Adm. Code 260.300.

Section 688.40 Scope of Services

- a) Individuals qualifying for the DORS Home Services Program, as the result of having been a recipient of a Long Term Care Partnership Demonstration Program, shall receive services as provided through the Partnership Demonstration Program.

- b) Services provided through the Partnership Demonstration Program can not exceed the maximum payment levels as described in 89 Ill. Adm. Code 685.600.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Projects with Industry
- 2) Code Citation: 89 Ill. Adm. Code 640
- 3) Section Numbers:
640.10
640.20
Proposed Action:
New Rule
New Rule
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), (k)) [20 ILCS 2405/3(a), (b), and (k)].
- 5) A Complete Description of the Subjects and Issues Involved: The Rehabilitation Act Amendments of 1992 (P.L. 102-569) which amends the Rehabilitation Act of 1973 specifically states the responsibilities of vocational rehabilitation agencies in working with projects with Industry (PWIs). These rules bring DORS into compliance with the provisions of P.L. 102-569 pertaining to PWIs.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- Section Numbers Proposed Action Illinois Register Citation
- 10) Statement of Statewide Policy Objectives (if applicable):
This is not applicable to this Rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

Ms. Susah Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- i2) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER C: VOCATIONALLY RELATED PROGRAMS

PART 640
PROJECTS WITH INDUSTRY

Section
640.10 General Provisions
640.20 Eligibility Determinations

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Added at 17 Ill. Reg. _____, effective _____

Section 640.10 General Provisions

Pursuant to Sections 621 and 622 of the Rehabilitation Act Amendments of 1992 (P.L. 102-569) which amends the Rehabilitation Act of 1973, DORS shall cooperate with the Rehabilitation Services Administration (RSA) of the U.S. Department of Education in the establishment of Projects with Industry (PWI), as appropriate and requested.

Section 640.20 Eligibility Determinations

- a) DORS shall review all favorable eligibility determinations for individuals made by any entity having an approved PWI through RSA within the State of Illinois.
- b) Upon receipt from the entity with the approved PWI of the eligibility determination and documentation on which the determination was made, the appropriate DORS local office staff person shall review the eligibility determination pursuant to the criteria in DORS' rules at 89 Ill. Adm. Code 553 - Eligibility. The outcome of this determination shall be:
 - 1) the determination is found to be appropriate, no further action is taken by DORS; or
 - 2) the determination is found to be inappropriate or in error, DORS notifies the entity with the

DEPARTMENT OF REHABILITATION SERVICES

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approved PWI the individual is not eligible to receive services through the PWI.

- c) Failure by DORS to act within the 60 calendar day period commencing upon receipt of the determination shall indicate concurrence with the determination made by the entity with the approved PWI.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Bingo License and Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 430
- 3) Section Numbers: Proposed Action:
430.110 Amendment
- 4) Statutory Authority: Bingo License and Tax Act, 230 ILCS 25/1
- 5) A Complete Description of the Subjects and Issues Involved: Section 430.110 is being amended to delete the requirement that an organization submit a copy of a document from the Attorney General of Illinois showing that it has registered, or is exempt from registration, under the Solicitation for Charity Act (225 ILCS 460/1). This provision, which is not statutorily based, has not shown to be beneficial for the Department's application process, and is burdensome for applicants.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference?
No.
- 9) Are there any other proposed amendments pending on this Part: No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Stanley T. Cichowski
Deputy General Counsel
Office of General Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7054

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Many small, not-for-profit organizations that apply for a pull tabs license will be benefitted

by this rulemaking, because the proposed rules reduce the administrative procedures that must be complied with in order for an organization to obtain a pull tabs license.

- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: N/A.

The full text of the Proposed Amendment(s) begins on the next page:

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 430
BINGO LICENSE AND TAX ACT

Section	Definitions
430.100	Regular Licenses
430.110	Limited Licenses
430.120	Senior Citizens Restricted Licenses
430.125	Suppliers Licenses
430.130	Providers Licenses
430.140	Ineligibility for License
430.150	Restrictions and Limitations on the Conducting of Bingo
430.160	Imposition of Tax; Returns
430.170	Records; Audits
430.180	Denial, Suspension, or Revocation of Licenses
430.190	Civil Penalties
430.200	

AUTHORITY: Implementing and authorized by the Bingo License and Tax Act (Ill. Rev. Stat., ch. 120, pars. 4101-et-seq.); [230 ILCS 25/1]

SOURCE: Adopted August 31, 1971; amended at 2 Ill. Reg. 41, p. 154, effective July 22, 1978; amended at 3 Ill. Reg. 18, p. 219, effective May 4, 1979; amended at 4 Ill. Reg. 38, p. 213, effective September 8, 1980; emergency amendment at 6 Ill. Reg. 9012, effective July 23, 1982, for a maximum of 150 days; codified at 6 Ill. Reg. 14688; rules repealed, new rules adopted at 7 Ill. Reg. 6100, effective June 1, 1983; amended at 15 Ill. Reg. 10944, effective July 10, 1991; amended at 16 Ill. Reg. 14688, effective September 14, 1992; amended at _____ Ill. Reg. _____, effective _____.

Section 430.110 Regular Licenses

- a) Eligibility. To be eligible for a regular license an organization must have been organized in Illinois, and during the entire five year period preceding application must have had a bona fide membership engaged in carrying out its objects. However, the five year requirement shall be reduced to two years if the Illinois organization is affiliated with and chartered by a national organization which meets the five year requirement. To be "chartered" by a national organization, an Illinois organization must have a document issued by the national organization formally authorizing the establishment of the Illinois organization. The organization must be conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of

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the operation. In addition, the organization must fall within one of the following categories:

- 1) *Charitable Organization:* an organization organized and operated to benefit an indefinite number of the public;
- 2) *Educational Organization:* an organization organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools. Public schools and school districts are not eligible for regular licenses;
- 3) *Religious Organization:* any church, congregation, society, or organization founded for the purpose of religious worship;
- 4) *Fraternal Organization:* an organization of persons, including ethnic organizations, having a common interest, organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis;
- 5) *Veterans Organization:* an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit;
- 6) *Labor Organization:* an organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations;
- 7) *Youth Athletic Organization:* an organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under. Marching bands and drum and bugle corps are considered to be promoting and providing athletic activities. A youth athletic organization otherwise eligible for a regular license does not lose its eligibility because youths served by the organization become nineteen while participating in an athletic activity within a season of definite duration;
- 8) *Senior Citizens Organization:* an organization or association comprised of members of which substantially all are individuals who are 55 years of age or older, or who are nearing the age of 55 and for whom opportunities for employment and participation in community life are unavailable or severely limited and who, as a result thereof, have difficulty in maintaining self-sufficiency and

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contributing to the life of the community. The primary purpose of the organization must be the promotion of the welfare of its members.

- b) Applications. Application for a regular license must be made on the form prescribed by the Department, and must be accompanied by a license fee of \$200 in the form of a certified check or money order payable to the Illinois Department of Revenue. The Department will not consider applications which are not substantially complete, or which are not accompanied by the information described below.
 - 1) **Renewal applications.** An application for renewal of a current regular license must be accompanied by the following information:
 - A) A report, on a form provided by the Department or on a reasonable facsimile thereof, which contains the same information requested on the Department's form, accounting for the disposition of the gross proceeds derived from bingo during the period covered by the report. (See Section 430.180(a));
 - B) The names of the members of the organization and the auxiliary organization (substantially all of whose members are spouses of members of the sponsoring organization) who will be workers at the bingo sessions (other than the "Operators" whose names are shown on the application form). A presiding officer or operator of the organization must certify that the listed members have belonged to the organization for at least 30 days prior to participation in the organization's bingo sessions;
 - C) Any other information requested by the Department which is necessary to establish the continued eligibility of the organization for a regular license.
 - 2) **New applications.** An organization applying for a regular license for the first time, or an organization which has held a regular license that expired prior to the receipt by the Department of a substantially complete application for renewal of the license, must submit the following information in addition to the completed application form:
 - A) Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation (by-laws,

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constitution, charter, minutes of past meetings, promotional material, and Articles of Incorporation) should prove that the organization has been carrying out its objectives for the 5 years preceding application,

B) ~~A copy of the letter or any other document issued to the organization by the Attorney General showing that the organization has registered, or is exempt from registration, under the Solicitation for Charity Act. (Ill. Rev. Stat. 1991, ch. 22, pars. 5101-et-seq.)~~

BE) The names of the members of the organization and the auxiliary organization (substantially all of whose members are spouses of members of the sponsoring organization) who will be workers at the bingo sessions (other than the "Operators" whose names are shown on the application form). A presiding officer or operator of the organization must certify that the listed members have belonged to the organization for at least 30 days prior to participation in the organization's bingo sessions;

CD) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a regular license;

DE) The application must also be accompanied by a bond equal to the applicant's anticipated average quarterly tax liability, as described in Section 430.170 below. The bond may be a bond from a surety company or may be a bank certificate of deposit made payable to the Director of the Department. The bond may also be a personal surety bond signed by two personal sureties who have filed, with the Department, sworn statements disclosing net assets equal to at least three times the amount of the bond to be required of such applicant. The Department will require an additional bond whenever the bond already posted does not cover the licensee's average quarterly tax liability, or if in the Department's judgment the amount of bond or other security is not sufficient to protect the State against failure to pay the amount which may become due from the licensee. In determining whether to require the furnishing of additional bond or other security by a licensee, the Department will consider payment history, general financial condition, and any other factors which reasonably indicate increased risk of nonpayment of the licensee's tax liability.

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c) Each regular license shall be valid for one year from its date of issuance. It is the policy of the Department to mail a renewal application to each regular licensee at least 30 days prior to the expiration of the license. However, failure to receive a renewal application does not excuse a licensee of its obligation to submit a substantially complete renewal application prior to the expiration of its current license. If the licensee fails to file a substantially complete renewal application prior to the expiration of its license, it must cease bingo activities until a renewal license is issued.

d) Special operator's permits (special permits). A regular license entitles the licensee to obtain up to two special permits each license year. A special permit authorizes the licensee to conduct one session per day for up to seven consecutive days on premises other than those used by the organization for bingo under its regular license. A licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is in effect. Such bingo games therein conducted shall not require a special operator's permit.

The licensee must, however, notify the Department in writing 30 days before the desired starting date of the days the bingo will be conducted and the location.

1) To apply for a special permit a licensee must submit a request for the permit, in writing, to the Illinois Department of Revenue, Office of Bingo and Charitable Games, Post Office Box 19480, Springfield, Illinois 62794. The request must state the proposed date(s), beginning and ending times, and location of the sessions to be played under the special permit. If the person or organization providing the premises for bingo under the special permit has a provider's license issued by the Department, the provider's license number must be included in the request, and a copy of any lease or rental agreement must accompany the request.

2) Requests for special permits should be received by the Department at least 30 days before the desired starting date for the special permit. The Department will approve or deny such requests no later than one week prior to the desired starting date. Requests received by the Department less than 30 days before the desired starting date will be accepted, and the Department shall make every reasonable effort to approve or deny the request before the desired starting date, but in no case may any licensee conduct special bingo sessions without having in its possession a special permit issued by the Department, or without having

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been informed by the Department that the request has been approved.

- 3) An organization may not conduct bingo under both its regular license and a special permit on the same day.
- e) A regular license authorizes the licensee to conduct bingo only at the location, on the day, and during the time period stated on the license. If a licensee wishes to change the location, day or time of its bingo, it may do so by requesting, in writing, an amended license. No additional fee will be charged for the first amended license in any one license year. Second and subsequent requests for changes in the location, day or time of bingo will be treated as applications for a new license, and must be accompanied by an application fee of \$200. The Department will not permit a licensee to conduct bingo on any day other than the day stated on the license when the change is requested because a holiday falls on the day stated on the license. When indement weather (weather which is not conducive to the conducting of games, e.g., blizzard, tornado warnings, severe thunderstorms) has caused a licensee to cancel a scheduled game, the game may be made up on a day of the week other than the day authorized by the license, if the licensee notifies the Department in advance of the rescheduled day. An officer of the licensee must notify the Department by telephone of the new date and time, as well as the reason for rescheduling, in advance of the rescheduled game. The same officer must then verify this information in a letter to the Department.

(Source: Amended at ____, Ill. Reg. ____ effective ____)

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- 1) Heading of the Part: Charitable Games Act
- 2) Code Citation: 86 Ill. Adm. Code 435
- 3) Section Numbers: Proposed Action:
435.120 Amendment
- 4) Statutory Authority: Charitable Games Act, 230 ILCS 30/1
- 5) A Complete Description of the Subjects and Issues Involved: Section 435.120 is being amended to delete the requirement that an organization submit a copy of a document from the Attorney General of Illinois showing that it has registered, or is exempt from registration, under the Solicitation for Charity Act (225 ILCS 460/1). This provision, which is not statutorily based, has not shown to be beneficial for the Department's application process, and is burdensome for applicants.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference?
No.
- 9) Are there any other proposed amendments pending on this Part: No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Stanley T. Cichowski
Deputy General Counsel
Office of General Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62704
Phone: (217) 782-7054

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected. Many small, not-for-profit organizations that apply for a charitable games license will be

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 435
CHARITABLE GAMES ACT

benefitted by this rulemaking, because the proposed rules reduce the administrative procedures that must be complied with in order for an organization to obtain a charitable games license.

- B) Reporting, bookkeeping or other procedures required for compliance: None.
- C) Types of professional skills necessary for compliance: N/A.

The full text of the Proposed Amendment(s) begins on the next page:

Section	
435.100	Introduction
435.110	Definitions
435.120	Charitable Games Licenses
435.130	Supplier's Licenses
435.140	Provider's Licenses
435.150	Ineligibility for License
435.160	Operation of Charitable Games Events
435.170	Restrictions and Limitations on the Conducting of Charitable Games
435.180	Imposition of Tax, Returns
435.190	Records; Audits
435.200	Denial, Suspension, or Revocation of Licenses
435.210	Criminal and Civil Penalties
435.220	State-Local Relations

AUTHORITY: Implementing and authorized by the Charitable Games Act (Ill. Rev. Stat. 1991, ch. 120, pars. 1121 et seq.) [230 ILCS 30/1].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 15687, effective September 15, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3722, effective February 10, 1987; peremptory amendments at 11 Ill. Reg. 10702, effective May 26, 1987; amended at 15 Ill. Reg. 10966, effective July 10, 1991; amended at 16 Ill. Reg. 14702, effective September 14, 1992; amended at ____ Ill. Reg., effective ____.

Section 435.120 Charitable Games Licenses

- a) Eligibility. To be eligible for a charitable games license, an applying organization must have been organized in Illinois and must satisfy each of the following conditions of eligibility:

- 1) The organization must be a charitable, religious, fraternal, veterans, labor, or educational organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and which is exempt from federal income taxation under Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code (Section 2 of the Act), a veterans' organization as defined in the Bingo License and Tax Act (Ill. Rev. Stat. 1991, ch. 120, par. 1101) [230 ILCS 25/1], or an auxiliary of a veteran's organization.

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- A) For an organization to be considered charitable for purposes of obtaining a charitable games license, its activities must benefit an indefinite number of persons; it must have no capital, capital stock, or shareholders; its funds must be derived mainly from private and public charity and be held in trust for the objects and purposes expressed in its charter; it must dispense charity to all who need and apply for it; and it must place no obstacles in the way of those seeking the benefits.
- B) For an organization to be considered educational for purposes of obtaining a charitable games license, it must be organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.
- C) For an organization to be considered religious for purposes of obtaining a charitable games license, it must be a church, congregation, society, or organization founded for the purpose of religious worship.
- D) For an organization to be considered fraternal for purposes of obtaining a charitable games license, it must be a civic, service or charitable organization, not for pecuniary profit, which is a branch, lodge or chapter of a national or State organization and exists for the common business, brotherhood, or other interest of its members. This does not include a college or high school fraternity or sorority.
- E) For an organization to be considered labor for purposes of obtaining a charitable games license, it must be composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- F) For an organization to be considered a veteran's organization for purposes of obtaining a charitable games license, it must be comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the

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- primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.
- 2) *The organization must have had a bona fide membership engaged in carrying out its objects for at least the entire five-year period immediately preceding application (Section 3 of the Act). However, this five-year requirement shall not apply with regard to the following two types of organizations:*
- A) An organization which has had a bona fide membership engaged in carrying out its objectives for at least the entire two-year period immediately preceding application, and which is affiliated with and chartered by a national organization which meets the five-year requirement (Section 3 of the Act).
- B) A charitable organization created by a fraternal organization which meets the five-year requirement, and which has the same officers and directors as the fraternal organization. "Fraternal Organization" means a civic, service or charitable organization in Illinois, except a college or high school fraternity or sorority, not for pecuniary profit, which is a branch, lodge or chapter of a national or Illinois organization and exists for the common business, brotherhood, or other interest of its members (Section 3 of the Act).
- 3) *Auxiliary organizations of a licensee shall not be eligible for a license to conduct charitable games, except for auxiliary organizations of veterans organizations (Section 4 of the Act). An "auxiliary organization" is one which exists to assist or support an affiliated organization.*
- b) Applications. Application for a charitable games license must be made on the forms prescribed by the Department, and must be accompanied by a license fee of \$200 in the form of a certified check or money order payable to the Illinois Department of Revenue. The Department will not consider applications which are not complete or which are not accompanied by the information described below. *Each license must be applied for at least 30 days prior to the event at which the licensee wishes to conduct such games (Section 3). Any willful misstatements contained in an application constitute perjury (Section 4 of the Act). An organization applying for a charitable games license must submit the following information in addition to the completed application form:*

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1) Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation must include, when applicable, a copy of the organization's by-laws, constitution, charter, minutes of past meetings, promotional materials, and Articles of Incorporation;

2) A copy of the letter or any other document issued to the organization by the Internal Revenue Service showing that the organization is currently exempt from federal income taxation under Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code;

3) ~~A copy of the letter or any other document issued to the organization by the Attorney General of Illinois showing that the organization has been registered, or is exempt from registration, under the Solicitation for Charity Act (Ill. Rev. Stat. 1991, ch. 23, pars. 5101 et seq.)~~

34) Information, on the form for that purpose, supplied by the Department or on additional sheets attached to the form, concerning all of the members, volunteers, and employees of the organization who will participate in the management or operation of the charitable games events to be conducted under the license. If from the information provided, the Department cannot determine with reasonable certainty that a member, volunteer, or employee does not have a criminal record which would make the organization ineligible for a license under Section 435.150, the Department will require such member, volunteer or employee to submit to fingerprinting in order to make a more certain determination as to the lack of a criminal history of the member, volunteer, or employee. Information concerning additional members, volunteers, and employees may be submitted at any time; however, such members, volunteers, and employees may not participate in the management or operation of any charitable games event unless the information required above is received by the Department at least 14 days before the event.

45) If the organization will be using charitable games equipment which it owns, it must include with its application for a charitable games license an application for a charitable games equipment ownership permit. The application for such permit must be on the form prescribed by the Department, and must be accompanied by an application fee of \$50 in the form of a certified check or money order payable to the Illinois Department of Revenue. On the permit application,

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the organization must list all charitable games equipment it owns and certify that all such equipment has the name of the organization permanently affixed thereto in a clearly visible location. Such permits shall be valid indefinitely provided that each time the organization renews its charitable games license it provides the Department with an inventory of all charitable games equipment it owns. An organization holding a charitable games equipment ownership permit *may* ~~lend such equipment without compensation to other licensed organizations without applying for a supplier's license~~ (Section 6 of the Act);

56) A diagram of the area(s) where the charitable games are to be played, showing the approximate location of each game, the location at which chips will be sold and redeemed (the bank), and the location of all doorways entering into the area(s);

67) If the organization will not be conducting its charitable games event(s) on premises which it owns, or at which it has its principal office or conducts activities for which it is organized, the organization must submit with its application a copy of a written, signed lease with the person or organization holding the license to provide the premises on which the charitable games event(s) will be conducted. No charitable games license will be issued for any date(s) not expressly stated in such lease;

78) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a charitable games license;

89) A report on a form provided by the Department accounting for the disposition of the gross charitable games proceeds for the organization's most recent license year.

c) Licenses. A licensee *may hold only one charitable games license* (Section 3 of the Act). A charitable games license will be issued for as many as four dates during a license year. These dates may be consecutive, or separate, or some combination thereof. The license must state at what location each game will be conducted.

1) Addition of new event dates. Although applicants are not required to list four dates on the application, charitable games licenses which are issued for fewer than four dates must be amended to add additional dates. The Department must receive written notice of an added date at least 30 days in advance of such date.

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- 2) Changes in established event dates, locations or times. In cases of changed dates, locations or times, an officer of the organization must notify the Department in writing at least 60 days in advance of the rescheduled event.
- 3) Any amendment to a license, including a change in date(s), time(s) or location(s), including the addition of new event dates, is subject to a \$50 amendment fee.
- d) Upon receipt of a charitable games license *the licensee shall file a copy of the license with each police department or, if in an unincorporated area, each sheriff's office whose jurisdiction includes the premises on which the charitable games events are authorized under the license* (Section 4 of the Act).
- e) The Department will not issue a charitable games license for an event to be held in a municipality if the municipality or county has adopted an ordinance prohibiting such events and has filed a copy of the ordinance with the Department.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pull Tabs and Jar Games Act
- 2) Code Citation: 86 Ill. Adm. Code 432
- 3) Section Numbers: Proposed Action:
432.110 Amendment
- 4) Statutory Authority: Illinois Pull Tabs and Jar Games Act, 230 ILCS 20/1
- 5) A Complete Description of the Subjects and Issues Involved: Section 432.110 is being amended to delete the requirement that an organization submit a copy of a document from the Attorney General Of Illinois showing that it has registered, or is exempt from registration, under the Solicitation for Charity Act (225 ILCS 460/1). This provision, which is not statutorily based, has not shown to be beneficial for the Department's application process, and is burdensome for applicants.
- 6) Will this proposed rule replace an emergency rule currently in effect: No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part: No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Stanley T. Cichowski
Deputy General Counsel
Office of General Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62704
Phone: (217) 782-7054
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses affected: Many small, not-for-profit organizations that apply for a pull tabs license will be benefitted by this rulemaking, because the proposed rules reduce the administrative procedures that must be complied with in order for an organization to obtain a pull tabs license.
- B) Reporting, bookkeeping or other procedures required for compliance: None.
- C) Types of professional skills necessary for compliance: N/A.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 432
PULL TABS AND JAR GAMES ACT

Section	Definitions
432.100	Regular Licenses
432.110	Limited Licenses
432.120	Manufacturer's Licenses
432.130	Supplier's Licenses
432.140	Ineligibility for License
432.150	Restrictions and Limitations on the Sale of Pull Tabs
432.160	Imposition of Tax; Returns
432.170	Records; Audits
432.180	Denial, Suspension, or Revocation of Licenses; Criminal Sanctions
432.190	State - Local Relations
432.200	

AUTHORITY: Implementing and authorized by the Illinois Pull Tabs and Jar Games Act (~~Ill. Rev. Stat., 1989, ch. 420, pars. 1051-et-seq.~~) [230 ILCS 20/1]

SOURCE: Emergency Rules adopted at 12 Ill. Reg. 11297, effective June 30, 1988, for a maximum of 150 days, emergency expired November 27, 1988; adopted at 13 Ill. Reg. 191, effective January 1, 1989; amended at 14 Ill. Reg. 6399, effective April 16, 1990; amended at 15 Ill. Reg. 10993, effective July 10, 1991; amended at _____ Ill. Reg. _____ effective _____.

Section 432.110 Regular Licenses

- a) Eligibility. To be eligible for a regular license, an organization must have been organized in Illinois. It must have been in existence continuously during the entire five-year period preceding application, and during that period must have had a bona fide membership engaged in carrying out its stated objectives on a regular basis. ~~The five year requirement shall be reduced to two years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the five year requirement (Section 2 of the Act).~~ To be "chartered" by a national organization, an Illinois organization must have a document issued by the national organization formally authorizing the establishment of the Illinois organization. The organization must be conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation, and must fall within one of the following categories:

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- 1) *Charitable Organization: an organization organized and operated to benefit an indefinite number of the public (Section 1.1 of the Act);*
- 2) *Educational Organization: an organization organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools (Section 1.1 of the Act). Public schools and school districts are not eligible for regular licenses. Organizations affiliated with public schools, such as booster clubs, may be eligible if they fall within any of the other categories listed in this Section;*
- 3) *Religious Organization: any church, congregation, society or organization founded for the purpose of religious worship (Section 1.1 of the Act);*
- 4) *Fraternal Organization: an organization of persons, including but not limited to ethnic organizations, having a common interest, organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis (Section 1.1 of the Act);*
- 5) *Veterans' Organization: an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit (Section 1.1 of the Act);*
- 6) *Labor Organization: an organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations (Section 1.1 of the Act);*
- 7) *Youth Athletic Organization: an organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under (Section 1.1 of the Act). Marching bands and drum and bugle corps are considered to promote and provide athletic activities. A youth athletic organization otherwise eligible for a regular license does not lose its eligibility because youths served by the organization become nineteen while participating in an athletic activity with a season of definite duration;*

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- 8) *Senior Citizens Organization: an organization or association comprised of members of which substantially all are individuals who are 55 years of age or older, or who are nearing the age of 55 and for whom opportunities for employment and participation in community life are unavailable or severely limited and who, as a result thereof, have difficulty in maintaining self-sufficiency and contributing to the life of the community. The primary purpose of the organization must be the promotion of the welfare of its members (Section 1.1 of the Act; Section 3.05 of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, par. 6103-05)).*
[20 ILCS 105/1]

b) Applications. Application for a regular license must be made on the form prescribed by the Department, and must be accompanied by a license fee of \$500 in the form of a check or money order payable to the Illinois Department of Revenue, and by the following documents and information:

- 1) Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation should include, when applicable, a copy of the organization's bylaws, constitution, charter, minutes of past meetings, promotional materials, and Articles of Incorporation;
- 2) The names of the members of the organization who will participate in the sale of pull tabs. The presiding officer of the organization must certify that the persons listed are eligible to sell pull tabs, and have been members of the organization for at least 30 days before participating in the organization's sale of pull tabs;
- 3) ~~A copy of the letter or any other document issued to the organization by the Attorney General showing that the organization is in compliance with the registration requirements of "AN ACT to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof and making an appropriation therefor" (Ill. Rev. Stat. 1989, ch. 23, par. 5101 et seq.);~~
- 34) For license renewal applications, a report, on a form provided by the Department, accounting for the disposition of the gross proceeds derived from the sale of pull tabs during the period covered by the report (see Section 432.180);

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45) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a regular license.

56) If, during a license year, any of the information provided to the Department by the licensee changes, the licensee must notify the Department within 20 days, in writing, of any such changes.

67) The application form shall include the following information:

- A) Name of organization
- B) Address
- C) Mailing Address
- D) Name and address of person responsible for filing tax returns
- E) Type of organization
- F) Address(es) of place where pull tabs are to be sold
- G) Does applicant own or lease premises?
- H) In what municipality will the applicant be making the most pull tab sales in terms of gross receipts? If you are outside any municipality, in what county?
- I) Tax registration or license number (if registered with the Illinois Department of Revenue under any Illinois tax Act)
- J) Number of members in good standing
- K) How long has organization had a bona fide membership engaged in carrying out its objectives?
- L) Place and date of incorporation of organization
- M) If not a corporation, state how and when organized
- N) Estimated amount of pull tabs and jar games tax per calendar quarter
- O) ~~Are you registered with the Attorney-General's Office pursuant to the Illinois Solicitation Act?~~

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PQ) For president of organization: name, address, home and business phone numbers, social security number, date of birth and race

QR) For secretary of organization: name, address, home and business phone numbers, social security number, date of birth and race

RQ) For person in charge of and primarily responsible for selling of the pull tabs: name, address, home and business phone numbers, social security number, date of birth and race

SR) Are criteria for membership in the organization included with the application?

TS) Is documentary evidence verifying the claimed status of the applicant as a bona fide, nonprofit religious, charitable, labor, fraternal, educational, veteran's, youth athletic, or senior citizen's organization included with the application?

UT) Is the documentary evidence verifying that the location(s) where you will be selling pull tabs is owned or occupied by your organization and used for your general activities or is the location where you conduct bingo included with the application?

VU) Is a description of the activities and programs which qualify for support from pull tabs proceeds included with the application?

WV) Is a list of your organization's members who will be selling pull tabs included with the application?

XW) Is a completed Form PT-12, Expenditures of Funds Earned Through Pull Tabs and Jar Games, for the past license year included with the application?

YX) Signatures of officers and person primarily responsible for the sale of the pull tabs

c) Licenses. Within 30 days after the receipt of a completed application, the Department will attempt to approve or deny the application. If the Department determines that an organization meets all of the eligibility requirements of this Section, and is not ineligible for any of the reasons stated in Section 432.150, the

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Department will issue a regular license to the organization. If the Department does not respond prior to expiration of the current license, the licensee is no longer authorized to conduct pull tab sales until such time as an authorization is received. A regular license authorizes the licensee to sell pull tabs only at the locations stated on the license. Such locations must be owned or occupied by the regular licensee and used by its members for general activities, or must be used by the regular licensee for conducting bingo (see Section 432.160(b)).

- 1) No organization may begin to sell pull tabs without having a valid license in its possession.
- 2) Each license expires at midnight, June 30, following its date of issuance, except that, beginning with applicants whose licenses expire on June 30, 1990, the following license expiration dates and license fees will apply:
 - A) Licenses in Group 1 will expire December 31, 1990. The license fee is \$250;
 - B) Licenses in Group 2 will expire March 31, 1991. The license fee is \$375;
 - C) Licenses in Group 3 will expire June 30, 1991. The license fee is \$500;
 - D) Licenses in Group 4 will expire September 30, 1991. The license fee is \$625.

3) Each license shall be in effect for one year from its date of issuance unless suspended or revoked by the Department before that date. After June 30, 1990, every new license shall expire one year from the date of issuance unless suspended or revoked. The Department cannot prorate the \$500 license fee when a license is issued for less than a full year.

4) It is the Department's policy to mail a renewal application to each regular licensee at least 30 days prior to the expiration of the license. However, failure to receive a renewal application does not excuse an organization of its obligation to submit a renewal application prior to the expiration of its current license. If the licensee fails to file a substantially complete renewal application prior to the expiration of a license, the organization may continue to sell pull tabs until the Department takes action on the renewal application. If the Department receives a renewal application more than

DEPARTMENT OF REVENUE
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seven days after the expiration of a license, the organization must immediately discontinue the sale of pull tabs until it receives a renewed license from the Department; it must discontinue the sale of pull tabs until a renewal license is issued.

- d) Special permits. Once during each license year a regular licensee may obtain a special permit to sell pull tabs at a different, additional location for a period of up to ten consecutive days. To apply for a special permit, a regular licensee must submit a written request to the Illinois Department of Revenue, Office of Bingo and Charitable Games, P.O. Box 19480, Springfield, Illinois 62794-9480. The request must be received at least fourteen days before the first day of the scheduled pull tab event, and must include a statement of the specific dates and exact location for which the permit is requested, and the name and address of the person or organization which owns or controls the site at which pull tabs will be sold.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Nonscheduled Bus Inspections

2) Code Citation: 92 Ill. Adm. Code 456

3) Section Numbers:

456.60
456.70

Proposed Action

Amend
Amend

4) Statutory Authority:

Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-109) [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-812) [625 ILCS 5/12-812].

5) A complete description of the subjects and issues involved:

By this Notice of Proposed Amendments, the Department proposes to amend Section 456.60 (uu), "Stop Arm Panel," to make "lights not functioning" an out-of-service violation.

The Department also proposes to amend Sections 456.60 (zz)(3)(B)(i) and (iii) and Sections 456.70 (w)(2)(A)(i) and (ii) to make "flat tire" on a steering axle a warning violation.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government which own or operate school buses.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager
2300 S. Dirksen Parkway, Room 300
Springfield, Illinois 62764
(217) 782-3215

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking affects small businesses which own or operate school buses, religious buses or buses registered as charitable vehicles.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require new or additional reporting requirements.

C) Types of professional skills necessary for compliance: This rulemaking does not require professional skills for compliance.

The full text of this Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 456
 NONSCHEDULED BUS INSPECTIONS

Section	Purpose and Scope
456.10	Application
456.20	Standards of Construction
456.30	Definitions
456.40	Enforcement Procedures
456.50	Violation Criteria for School Buses
456.60	Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles
456.70	Violation Criteria for Alternate Fuel School Buses
456.80	Violation Criteria for Special Education School Buses
456.90	

AUTHORITY: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-109) [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-812) [625 ILCS 5/12-812].

SOURCE: Adopted at 15 Ill. Reg. 5894, effective April 8, 1991; amended at 16 Ill. Reg. 16649, effective October 16, 1992; amended at 17 Ill. Reg. 22070, effective December 10, 1993; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Bold face print denotes statutory language.

Section 456.60 Violation Criteria for School Buses

The following items will be inspected during a nonscheduled inspection. A violation of one item may only necessitate a warning while other items may require a three day notice or cause the vehicle to be declared out-of-service. Certain items have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed below exists, the corresponding penalty will be issued:

a) Air Cleaner:

WARNING - missing; not properly attached.

b) Aisle:

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- 1) OUT-OF-SERVICE - obstructed.
- 2) WARNING - does not meet minimum dimension requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(b)).

c) Alternator:

THREE DAY - belts are torn, broken or slipping; does not meet capacity rating or electrical requirements; not functioning.

d) Axles:

OUT-OF-SERVICE - not firmly attached; cracked; broken; leaking fluids; insufficient capacity (as determined by 49 CFR 568.4 (1992)).

e) Barrier:

- 1) OUT-OF-SERVICE - missing (if required); not solidly attached.

- 2) WARNING - padding or covering shows wear and tear, does not meet minimum height requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(e)).

f) Battery:

THREE DAY - excessive corrosion; not secured.

g) Battery Cables:

THREE DAY - corroded; not securely attached.

h) Battery Carrier/Compartment:

THREE DAY - when battery is mounted outside of engine compartment, it is not properly attached in weather-tight vented compartment; compartment door does not latch.

i) Brakes:

- 1) OUT-OF-SERVICE - any problem found with service brake system.
- 2) THREE DAY - any problem found with emergency brake system.

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- 3) WARNING - any SB 6 violation (refer to 92 Ill. Adm. Code 451.APPENDIX A(1)(7)(A)).
- j) Bumper, Front:
- 1) OUT-OF-SERVICE - bumper damage which interferes with tire condition or movement.
 - 2) THREE DAY - loose; broken; protruding components; does not meet thickness requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(j)).
- k) Bumper, Rear:
- THREE DAY - loose; broken; protruding components; hitchable; does not meet thickness requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(k)).
- l) Certificate of Safety:
- OUT-OF-SERVICE - missing; expired; voided; over on mileage.
- m) Certification Label, Federal:
- WARNING - label is absent, defaced, destroyed, or not permanently affixed; required information is missing (refer to 92 Ill Adm. Code 451.APPENDIX A(m)(1)).
- n) Cleanliness:
- WARNING - excessive rubble or trash.
- o) Defrosters:
- 1) OUT-OF-SERVICE - does not function properly between October 2 and April 14.
 - 2) THREE DAY - does not function properly between April 15-October 1.
- p) Drive Shaft Guard:
- WARNING - not solid; not firmly attached; missing.
- q) Emergency Exits:

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- 1) OUT-OF-SERVICE - illegal locks (refer to 92 Ill. Adm. Code 451.APPENDIX A(q)(4)); blocked; latch broken; exit does not work; both audible and visible alarms on emergency exit door(s) do not operate; no audible alarm on emergency window exits.
 - 2) THREE DAY - binding; no guard; exterior handle is hitchable; door does not seal properly; audible or visible alarms on emergency exit door(s) do not operate.
- r) Engine Compartment:
- THREE DAY - excessive oil in engine compartment; engine does not start or run properly.
- s) Entrance Door:
- 1) OUT-OF-SERVICE - fails to close; view is obstructed; illegal locks; does not open properly; manual override is missing.
 - 2) THREE DAY - binding, jamming, over the center control not operating properly.
 - 3) WARNING - rubber seals are missing or torn.
- t) Exhaust System:
- 1) OUT-OF-SERVICE - leaks into or under passenger compartment; broken; disconnected; does not discharge in proper location.
 - 2) THREE DAY - shield is not present if required (refer to 92 Ill. Adm. Code 451.APPENDIX A(s)(1)); not securely attached or supported.
- u) Fenders:
- THREE DAY - protruding components; not properly attached.
- v) Fire Extinguisher:
- 1) OUT-OF-SERVICE - not fully charged; or missing.
 - 2) THREE DAY - seal is broken; improper rating; not mounted in readily accessible location; not labeled if in compartment.

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- w) First Aid Kit:
- 1) THREE DAY - missing.
 - 2) WARNING - kit not complete (refer to 92 Ill. Adm. Code 451.APPENDIX A(w)); medicine or tourniquet is present; packages are not sealed; not mounted in readily accessible location.
- x) Floor and Floor Coverings:
- THREE DAY - holes are present; sagging; broken; not firmly attached; torn covering or missing.
- y) Frame and Body:
- 1) Frame:

OUT-OF-SERVICE - broken; rusted through; structurally unsafe; sagging.
 - 2) Body:
 - A) THREE DAY - collision damage which is detrimental to the safe operation of the vehicle.
 - B) WARNING - rusted through; holes are present.
- z) Fuel Storage and Delivery System:
- 1) OUT-OF-SERVICE - fuel tank is leaking or loose; no fuel tank guard if required (refer to 92 Ill. Adm. Code 451.APPENDIX A(z)(5)); fuel lines are loose, sagging, rubbing, chaffing, leaking, cracked or broken; fuel cap is missing.
 - 2) THREE DAY - shield is not present if required (refer to 92 Ill. Adm. Code 451.APPENDIX A(s)(1)); alternate fuel system remains after conversion to gasoline or diesel.
- aa) Grab Handles (Exterior and Interior):
- WARNING - handles are missing or loose.
- bb) Heaters:

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- 1) THREE DAY - missing or not firmly attached.
 - 2) WARNING - poor working condition; defective hoses, supports or baffles, rear heater not covered or padded; defective or missing switches.
- cc) Hood:
- THREE DAY - does not open; defective latches or hinges.
- dd) Horn:
- OUT-OF-SERVICE - missing; defective; not audible.
- ee) Instruments and Instrument Panel:
- 1) OUT-OF-SERVICE - brake failure indication gauges or devices do not operate properly or are missing.
 - 2) THREE DAY - odometer, directional signal, eight-light flasher indicator, or high beam indicator do not operate properly or are missing; switches are defective or missing.
- ff) Lettering:
- WARNING - lettering is missing, incorrect location, not black, distinct, or allowed.
- gg) Light(s) (refer to 92 Ill. Adm. Code 451.APPENDIX A(hh) for proper colors):
- 1) Backup:

THREE DAY - do not function; improper color; broken lens or other component.
 - 2) Clearance:

WARNING - do not function; improper color; broken lens or other component.
 - 3) Cluster:

WARNING - do not function; improper color; broken lens or other component.

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- 4) Flashing 8-light system:
OUT-OF-SERVICE - do not function; improper color; broken lens or other component.
- 5) Headlights:
A) OUT-OF-SERVICE - do not function; improper color.
B) WARNING - broken lens.
- 6) Interior:
WARNING - do not function; improper color; broken lens or other component.
- 7) License Plate:
WARNING - does not function; improper color; broken lens or other component.
- 8) Marker:
WARNING - do not function; improper color; broken lens or other component.
- 9) Parking:
WARNING - do not function; improper color; broken lens or other component.
- 10) Stepwell:
WARNING - does not function; improper color; broken lens or other component.
- 11) Stop/Brake:
A) OUT-OF-SERVICE - do not function.
B) THREE DAY - improper color; broken lens or other component.
- 12) Strobe (optional):

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- WARNING - location is incorrect (refer to 92 Ill. Adm. Code 451.APPENDIX A(hh)(15)); shielding is present.
- 13) Tail:
A) OUT-OF-SERVICE - do not function;
B) THREE DAY - improper color; broken lens or other component.
- 14) Turn Signal:
A) OUT-OF-SERVICE - do not function;
B) THREE DAY - improper color; broken lens or other component.
- hh) Locked Compartment:
THREE DAY - not readily accessible to driver; lettering or identification is missing; alarm does not function when compartment is locked and engine is running (only when fire extinguisher, warning devices, or first aid kit are stored in locked compartment).
- ii) Mirrors:
1) OUT-OF-SERVICE - missing.
2) WARNING - broken or cracked; clouded; loose mounting; not approved.
- jj) Paint Requirement:
WARNING - does not meet color requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(kk)); poor condition.
- kk) Pedals (Accelerator, Brake and Clutch):
THREE DAY - missing; damaged; altered.
- ll) Pre-trip Book:
WARNING - missing; improper completion or distribution.

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- mm) Projections:
- 1) Exterior:
THREE DAY - hitchable; dangerous to pedestrians.
 - 2) Interior:
THREE DAY - not padded (if required); interfere with entering or exiting the bus.
- nn) Reflectors:
- 1) THREE DAY - missing.
 - 2) WARNING - damaged; not properly located.
- oo) Rub Rails:
- WARNING - missing; damaged.
- pp) Seat Belts:
- 1) OUT-OF-SERVICE - missing or broken if required (refer to 92 Ill. Adm. Code 451.APPENDIX A(cc) and APPENDIX B(cc)); buckle does not operate properly; required number of belts not present (refer to 92 Ill. Adm. Code 451.APPENDIX B(cc)).
 - 2) WARNING - driver's retractor does not operate properly; optional seat belts do not meet requirements.
- qq) Seat, Driver's:
- 1) OUT-OF-SERVICE - broken; loose; missing.
 - 2) WARNING - damaged covering; not adjustable.
- rr) Seat, Passenger's:
- 1) OUT-OF-SERVICE - missing barrier (if required) (refer to 92 Ill. Adm. Code 451.APPENDIX A(e)); loose; broken frame or components.
 - 2) WARNING - incorrect height (refer to 92 Ill. Adm. Code 451.APPENDIX A(qq)); damaged covering; loose seat cushion.

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- ss) Steering System:
- 1) Exterior:
A) Linkage Components:
OUT-OF-SERVICE - bent; welded repairs; loose; insecurely mounted or missing.
 - B) Steering Components:
OUT-OF-SERVICE - loose, leaking, binding, frayed, cracked, inoperative power or power-assist unit or missing.
- 2) Interior:
- A) OUT-OF-SERVICE - column support bracket is loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing.
 - B) THREE DAY - lash exceeds acceptable limits (refer to 92 Ill. Adm. Code 451.APPENDIX A(rr)(2)(B)).
- tt) Steps, Entrance:
- 1) OUT-OF-SERVICE - broken, rusted through.
 - 2) WARNING - sagging, damaged ribbing.
- uu) Stop Arm Panel:
- 1) OUT-OF-SERVICE - missing; ~~does not function~~; lights not functioning; panel does not function.
 - 2) THREE DAY - not operating properly; incorrect panel; lights ~~not functioning~~; lights not flashing alternately.
 - 3) WARNING - incorrect paint (refer to 92 Ill. Adm. Code 451.APPENDIX A(tt)); poor condition.
- vv) Sun Visor:
- WARNING - broken; damaged; missing.
- ww) Suspension:

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- 1) Shocks:
A) OUT-OF-SERVICE - broken; missing; broken mounts.
B) THREE DAY - leakage; loose mounting.
- 2) Springs:
OUT-OF-SERVICE - broken; damaged; loose; missing.
- xx) Tow Hooks (optional):
WARNING - extend beyond bumper; not securely attached.
- yy) Warning Devices:
WARNING - missing; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational.
- zz) Wheels:
1) Housing:
A) OUT-OF-SERVICE - tire rubs against any portion of chassis, body or bumper.
B) THREE DAY - do not meet clearance requirements; not firmly secured; holes are present.
- 2) Rim:
OUT-OF-SERVICE - cracked; broken; elongated holes; missing lug nuts; lock ring damaged; bent.
- 3) Tires (refer to 92 Ill. Adm. Code 451.APPENDIX A(bbb)(3)):
A) Steering axle:
i) OUT-OF-SERVICE - regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth; broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread

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- are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.
- ii) WARNING - flat tire.
- B) Drive axle:
i) OUT-OF-SERVICE - ~~flat~~ missing; insufficient tread depth; broken or cut cord.
- ii) THREE DAY - radial and bias ply tires are used incorrectly; regular and mud-snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem.
- iii) WARNING - flat tire.
- aaa) Windows:
1) OUT-OF-SERVICE - windshield is missing or shattered.
2) THREE DAY - not properly marked with "AS" rating (refer to 92 Ill. Adm. Code 451.APPENDIX A(ccc)); operating mechanisms do not function; alarms do not function, if required; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 Ill. Adm. Code 451.APPENDIX A(ccc)(1) and (3)); not firmly sealed or attached; 1 1/2 inches or more "star chip"; missing; incorrect size.
- 3) WARNING - stop lines are missing.
- bbb) Windshield Washer:
WARNING - does not operate properly; no fluid.
- ccc) Windshield Wiper:
1) OUT-OF-SERVICE - wipers do not operate.
2) WARNING - does not cover entire cleaning area; blades are damaged; does not park properly.
- ddd) Wiring (Interior and Exterior):

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WARNING - insulation is broken, frayed, or missing; fuses or breakers are not present (refer to 92 Ill. Adm. Code 451-APPENDIX A(p)); not securely attached; not on proper circuit.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 456.70 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles

a) Brakes:

1) OUT-OF-SERVICE - any problem found with the service brake system.

2) THREE DAY - any problem found with emergency brake system.

b) Bumpers:

1) OUT-OF-SERVICE - missing.

2) THREE DAY - loose; broken; protruding components.

c) Certificate of Safety:

OUT-OF-SERVICE - missing; expired or voided.

d) Emergency Exits:

1) OUT-OF-SERVICE - obstructed; does not comply with required number of exits (refer to 92 Ill. Adm. Code 448-APPENDIX C); latch broken; does not open fully; missing components.

2) THREE DAY - binding; does not seal properly.

e) Exhaust System:

OUT-OF-SERVICE - leaks into or under passenger compartment; broken; disconnected; not securely attached.

f) Fenders:

THREE DAY - protruding components; not securely attached; missing.

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g) Fire Extinguisher:

1) OUT-OF-SERVICE - not fully charged; missing.

2) THREE DAY - seal is broken; not mounted in readily accessible location; not labeled if in compartment; improper rating.

h) Floor, Floor Covering, Firewall and Occupant Compartment:

THREE DAY - holes are present; sagging; torn covering.

i) Frame and Body:

1) Frame:

OUT-OF-SERVICE - broken; rusted through; structurally unsafe; sagging.

2) Body:

WARNING - rusted through; protruding object; any component loose, missing or broken.

j) Fuel Storage and Delivery System:

OUT-OF-SERVICE - fuel tank is leaking or loose; fuel lines are loose, leaking, sagging, rubbing, chaffing, cracked or broken; fuel cap is missing.

k) Hood:

THREE DAY - does not open; defective latches or hinges.

l) Horn:

OUT-OF-SERVICE - missing; defective; not audible.

m) Lettering:

WARNING - signs or words "SCHOOL BUS"; emergency exits are not labelled (if required); operating instructions are not present on emergency exits (if required); "NO STANDSTOPS" not present (if required) (refer to 92 Ill. Adm. Code 448-APPENDIX C).

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- n) Light(s):
- 1) Headlamps:
 - A) OUT-OF-SERVICE - do not function.
 - B) WARNING - broken lens on replaceable light source; improper color.
 - 2) License Plate:

WARNING - does not function; improper color; broken lens or other component.
 - 3) Parking/Marker:

WARNING - do not function; improper color; broken lens or other component.
 - 4) Stop/Brake:
 - A) OUT-OF-SERVICE - do not function;
 - B) THREE DAY - improper color; broken lens or other component.
 - 5) Tail:
 - A) OUT-OF-SERVICE - do not function;
 - B) THREE DAY - improper color; broken lens or other component.
 - 6) Turn Signal:
 - A) OUT-OF-SERVICE - do not function;
 - B) THREE DAY - improper color; broken lens or other component.
 - 7) Unison Flashing Amber Warning System (Optional on Religious Organization Buses only):

WARNING - lens is improper color; system flashes alternately; not made inoperative if charitable bus.

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- o) Mirrors:
 - 1) OUT-OF-SERVICE - missing.
 - 2) WARNING - broken or cracked; clouded; loose mounting.
- p) Paint:

WARNING - school bus yellow.
- q) Reflectors:
 - 1) THREE DAY - missing.
 - 2) WARNING- damaged; not properly located (refer to 92 Ill. Adm. Code 448.APPENDIX A).
- r) Seats:

OUT-OF-SERVICE - driver's seat adjusting mechanism slips out of place; any seat is loose or broken.
- s) Steering System:
 - 1) Exterior:

OUT-OF-SERVICE - linkage components are bent; welded repairs; loose; insecurely mounted or missing. Steering components are loose, leaking, frayed, cracked, inoperative power unit or missing.
 - 2) Interior:
 - A) OUT-OF-SERVICE - column support bracket is loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing.
 - B) THREE DAY - lash exceeds acceptable limits (refer to 92 Ill. Adm. Code 448.APPENDIX A).
- t) Stop Arm Panel:

WARNING - present.
- u) Suspension:

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- 1) Shocks:
- A) OUT-OF-SERVICE - broken; missing; broken mounts.
- B) THREE DAY - leakage; loose mounting.
- 2) Springs:
- OUT-OF-SERVICE - missing; broken; damaged, loose.
- v) Warning Devices:
- WARNING - missing; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational.
- w) Wheels:
- 1) Rim:
- OUT-OF-SERVICE - cracked; broken; elongated holes; missing lug nuts; lock ring damaged; bent.
- 2) Tires (refer to 92 Ill. Adm. Code 448.APPENDIX A):
- A) Steering axle:
- 1) OUT-OF-SERVICE - flat; regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth; broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud-snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.
- 1) WARNING - flat tire.
- B) Drive axle:
- 1) OUT-OF-SERVICE - missing; insufficient tread depth; broken or cut cord.

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- ii) THREE DAY - radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem.
- iii) WARNING - flat tire.
- x) Windows:
- THREE DAY - not properly marked with "AS" rating (refer to 92 Ill. Adm. Code 448.APPENDIX A); operating mechanisms do not function; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 Ill. Adm. Code 448.APPENDIX C); not firmly sealed or attached.
- y) Windshield Washer:
- WARNING - does not operate properly; no fluid.
- z) Windshield Wiper:
- 1) OUT-OF-SERVICE - wipers do not operate.
- 2) THREE DAY - does not cover entire cleaning area; blades are damaged; does not park properly.
- aa) Wiring (Interior and Exterior):
- Insulation:
- WARNING - broken, frayed, not securely attached or missing.
- (Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Telephone Utilities in the State of Illinois
- 2) Code Citation: 83 Ill. Adm. Code 735
- 3) Section Numbers: Adopted Action:
735.70 Amendment
- 4) Statutory Authority: Implementing Sections 8-101 and 9-252 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 8-101 and 10-101) [220 ILCS 5/8-101, 9-252, and 10-101].
- 5) Effective Date of Amendment: March 15, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 24, 1994
- 9) Notice of Proposal Published in Illinois Register:
August 6, 1993, at 17 Ill. Reg. 12483.
- 10) Has JCAR issued a Statement of Objections to this amendment? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? Yes.

Section Number:	Proposed Action:	Register Citation:
735.121	New Section	17 Ill. Reg. 6386
735.100	Amendment	18 Ill. Reg. 927
735.130	Amendment	18 Ill. Reg. 927

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: This amendment will allow local exchange carriers to utilize electronic billing if desired by a customer.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 735

PROCEDURES GOVERNING THE ESTABLISHMENT OF CREDIT, BILLING,
DEPOSITS, TERMINATION OF SERVICE AND ISSUANCE OF TELEPHONE
DIRECTORIES FOR TELEPHONE UTILITIES IN THE STATE OF ILLINOIS
(GENERAL ORDER 218)

Section
735.10 Definitions
735.20 Policy
735.30 Scope and Application
735.40 Discrimination Prohibited
735.50 Variance
735.60 Saving Clause
735.70 Customer Billings
735.80 Deferred Payment Agreements
735.90 Preferred Payment Dates
735.100 Applicants for Service
735.110 Present Customers
735.120 Deposits
735.130 Discontinuance or Refusal of Service
735.140 Illness Provision
735.150 Payment for Service
735.160 Past Due Bills
735.170 Service Restoral Charge
735.180 Directories
735.190 Dispute Procedures
735.200 Commission Complaint Procedures
735.210 Public Notice of Commission Rules
735.220 Second Language
735.230 Customer Information Booklet

APPENDIX A Notice of Discontinuance of Service

APPENDIX B Requirements to Avoid Shutoff of Service in the Event of Illness

APPENDIX C Public Notice Concerning Availability of this Part

AUTHORITY: Implementing Sections 32, 39 and 41 8-101 and 9-252 and authorized by Section 10-101 of "AN ACT concerning public utilities" the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 32, 39, 41 and 8-101, 9-252, and 10-101) [220 ILCS 5/8-101, 9-252, and 10-101].

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NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 7 Ill. Reg. 2108, effective February 4, 1983; codified at 7 Ill. Reg. 15969; emergency amendment at 7 Ill. Reg. 16055, effective November 17, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5161, effective April 13, 1984; amended at ___ Ill. Reg. ___, effective March 15, 1994.

Section 735.70 Customer Billing

a) Billing Procedures

Bills to customers shall be issued on a monthly basis and shall be typed or machine printed. Bills shall be itemized as set forth in subsection (b) of this Section.

b) Itemization of Charges

1) All bills for residential and single-line business customers shall contain an itemization of charges. Itemization of every monthly billing shall include, but not be limited to:

- A) exchange access (basic local service) as requested by customer;
- B) local service;
- C) extended area service;
- D) equipment;
- E) enhanced and other local services;
- F) the period of time for which the local service and equipment charges apply;
- G) if a local exchange company has assumed responsibility of collection for toll calls, it shall include an itemization of all toll calls charged to the account including, but not limited to the date and time of the call, the rate which applied to the call, the length of the call in minutes, the destination of the call, or point of origin for collect and/or third party calls;
- H) the phone number of the appropriate company business office;

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- I) the due date of the bill; and
J) the separate listing of the following:
- i) additional charges due to state messages tax,
 - ii) municipal messages tax,
 - iii) municipal consumer tax, and
 - iv) federal excise tax.

2) Upon request, a company shall provide its customers with an itemization of service and equipment charges (but excluding message unit charges, as provided for in the company's tariff) once every calendar year free of charge. This itemization shall also include the phone number of the local company business office which the customer may contact to receive further information concerning the service and equipment charges listed on such itemization.

3) Where a company is able to provide an itemized billing for local message detail, the customer may request the company to provide such message unit detail for one billing period free of charge one time every six months or if a dispute exists as to the accuracy of the bill. This waiver of charges shall not apply to customers who contract with the company for monthly message detail.

c) Delivery of Bills

Customer bills sent through the United States mail ~~or delivered by other means~~ shall be in envelopes and shall include return envelopes for payment of customer bills, unless the customer has elected to pay the bill electronically.

d) Transferring Billing for Past Due Service

Charges for business service shall not be transferred to a bill for residential service, nor shall charges for residential service be transferred to a bill for business service. A company may transfer billing to another

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account of the same customer of the same class (business or residential) when a final bill remains unpaid after the due date.

e) Adjustments for Interrupted Service

In the event that a customer's basic (i.e., residence, business, Private Branch Exchange (PBX)) service is interrupted and remains out of service for more than 12 hours after being reported to or found to be out of service by a company, appropriate adjustments shall be made to the customer's account upon request with a minimum of credit for 24 hours. The adjustment shall be the pro rata part of the month's charge for local exchange service for the period of days service was inoperative and shall be accomplished by a credit on a subsequent bill for telephone service. A check shall be issued if the final bill shows no amount owed. This provision shall not apply when the service interruption is caused by:

- 1) the negligence or willful act of the customer,
- 2) customer provided facilities, or
- 3) electric power failure where the customer furnishes such electric power.

f) Third Number Billing

On third number calls the operator may attempt to verify the authority to bill to the third number by calling the third number to get permission to bill the call to that number. Any third number calls that are billed to but denied by the billed party shall be removed from the bill unless these calls were verified in accordance with this paragraph.

g) Unbilled Service

- 1) Bills for service supplied by a company must be rendered within one (1) year of the date such service was supplied. No customer shall be liable for any amount of unbilled service after one (1) year. A company is not restricted to the above one (1) year limitation on unbilled service if a company has reason to believe that the customer used a device or scheme to obtain service without payment

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and where the company has so notified the customer prior to disconnection.

- 2) When delinquency occurs following the issuance of a bill for previously unbilled service, except where the customer has avoided payment as described in the preceding paragraph, a company shall review the bill with the customer, and shall offer to accept payments toward the liquidation of the amount of unbilled service over a period mutually agreed to by the company and customer. This period of time shall be at least as long as the period over which the unbilled or underbilled service was provided.

h) Refunds

- 1) In the event that a customer pays a bill as submitted by a telephone utility and the billing is later found to be incorrect due to an error either in charging more than the published rate, in measuring the quantity or volume of service provided, or in charging for the incorrect class of service, the utility shall refund the overcharge with interest from the date of overpayment by the customer.

- 2) The rate of interest shall be the rate as established by the Commission to be paid on deposits in Section 735.120(h)(1) of this Part.

- 3) The refund shall be accomplished by a credit on a subsequent bill for telephone service, or by check if the account is final, or if so requested by the customer.

i) Special Toll Bills

- 1) If a customer accumulates unusually high charges for toll calls in a short period of time, and that customer's credit record indicates that satisfactory payment may not be made on this amount, a company may issue a special toll bill. Such special toll bills shall be due ten (10) days from the mailing issuing date of the bill, seven (7) days if delivered by hand.

- 2) A company may render a special toll bill to a residential customer only during the first twenty-four (24) months of that customer's tele-

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phone service. No such limitation, however, shall be imposed in the case of business customers.

- 3) For the purpose of this subsection (i), an unusually high toll bill shall be considered to be an amount in excess of 175 percent of the average of the past three months' toll bills or an average toll bill for that class of service if three months' actual data is not available.

ii) Electronic Billing and Payment

If the company offers electronic billing, customers may elect to have their bills sent electronically. Such bills shall be transmitted with instructions for payment. Information sent electronically shall be deemed to satisfy any requirement in this Part that such information be printed or written on a customer bill. Bills rendered in accordance with this Section may be paid electronically.

Amended at _____ Ill. Reg. _____, effective March 15, 1994)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Academic Personnel
- 2) Code Citation: 56 Ill. Adm. Code 2915
- 3) Section Number: Adopted Action:
2915.40 New Section
2915.43 New Section
2915.45 New Section
2915.47 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 321.1, 321.2, 442, 610 and 611 [820 ILCS 405/211.1, 211.2, 612, 1700, and 1701].
- 5) Effective Date of the Amendment: **MAR 03 1994**, 1994.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: February 28, 1994.
- 9) Notice of Proposal published in Illinois Register: November 12, 1993 at 17 Ill. Reg. 19415.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: None.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will the proposed amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of the rules: The rules set forth standards concerning the between and within terms denial of benefits to academic personnel. These rules were drafted in response to requests by the United States Department of Labor to amend our law to conform to federal requirements given by Section 3304(a)(6)(A) of the Federal Unemployment Tax Act.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and Questions regarding these Adopted Rules may be addressed to:

Gregory J. Ramel
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
(312)793-4240

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
 SUBCHAPTER 9: INELIGIBILITY FOR BENEFITS

PART 2915

ACADEMIC PERSONNEL

SUBPART A: GENERAL PROVISIONS

- Section
 2915.1
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 2915.10
 2915.15
 2915.20
 2915.25
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- Definitions
 Ineligibility Between Academic Years Or Terms, Vacation Period Or Holiday Recess
 Ineligibility Of Academic Personnel
 Period Between Academic Years Or Terms, Vacation Period Or Holiday Recess
 Presumption Of Reasonable Assurance Of Continued Employment
 Rebuttal Of the Presumption Of Reasonable Assurance Of Continued Employment
 Date Benefit Ineligibility Ceases To Apply
 Benefits To Insured Workers In Educational Institutions
 Ineligibility Of Employees Working In One Capacity For An Academic Employer Who Cross Over Within Years Or Terms To Work In Another Capacity For The Same Type Of Academic Employer
 Eligibility Of Employees Working For An Academic Employer Who Cross Over Within An Academic Year Or Term To Work For A Non-Academic Employer Or For Another Type Of Academic Employer
 Eligibility Of Employees Working For One Type Of Academic Employer Who Cross Over Between Years Or Terms To Work For Another Type Of Academic Employer
 Eligibility Of Employees Working In One Capacity Who Cross Over Between Years Or Terms To Work In Another Capacity

AUTHORITY: Implementing and authorized by Sections 211.1, 211.2, 612, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, par. 321.1, 321.2, 442, 611 and 612), [820 ILCS 405/211.1, 211.2, 612, 1700 and 1701].

SOURCE: Adopted at 10 Ill. Reg. 5109, effective March 13, 1986; amended at 11 Ill. Reg. 19101, effective November 4, 1987; amended at 18 Ill. Reg. _____, effective **MAR 03 1994**

SUBPART A: GENERAL PROVISIONS

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NOTICE OF ADOPTED AMENDMENTS

Section 2915.40 Ineligibility Of Employees Working In One Capacity For An Academic Employer Who Cross Over Within Years Or Terms To Work In Another Capacity For The Same Type Of Academic Employer

- a) For the purposes of this Subpart, an individual can perform services for an academic employer in either or both of two capacities: professional or non-professional. "Professional" means services performed in an instructional, research, or principal administrative capacity as these terms are defined by Section 2915.1. "Non-professional" means all other services.
- b) For the purposes of this Subpart, there are two types of academic employers. The first type is an educational institution as defined by Section 2915.1 as well as an institution of higher education and an institution of higher learning. The second type is an educational service agency as defined in Section 2915.1.
- c) If an individual performs services for one type of academic employer in one capacity during the period before a vacation period or holiday recess within an academic year or term, and there is a reasonable assurance that the individual will perform services in a different capacity for the same type of academic employer for the period immediately subsequent to such vacation period or holiday recess, the individual shall be ineligible for benefits under Section 612 of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 442) [820 ILCS 405/612] during such vacation period or holiday recess.

Example: If a teacher employed by an educational institution receives assurance that at the end of the Christmas holidays his employment with that educational institution will continue in January but in the capacity of a security guard rather than as a teacher, the individual has crossed over from one capacity to another and shall be ineligible for benefits under Section 612 of the Act during that period.

(Source: Added at 18 Ill. Reg. _____, effective **MAR 03 1994**)

Section 2915.43 Eligibility of Employees Working For An Academic Employer Who Cross Over Within An Academic Year Or Term To Work For A Non-Academic Employer Or For Another Type Of Academic Employer

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If an individual crosses over from an academic employer, as defined by Section 2915.40(b), to a non-academic employer, or from one type of academic employer to another, following a vacation period or holiday recess within an academic year or term, the ineligibility imposed by Section 612 of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 442) [820 ILCS 405/612] does not apply. This is true no matter in what capacity the individual performs services after the vacation period or holiday recess within an academic year or term for the subsequent employer.

Example: If a teacher employed by an educational institution receives assurance that at the end of the Christmas holidays his services as a teacher will continue in January in the employ of an educational service agency, the ineligibility imposed by Section 612 does not apply because the services performed immediately subsequent to the vacation period are not performed for the same type of academic employer.

(Source: Added at 18 Ill. Reg. _____, effective MAR 0 3 1994)

Section 2915.45 Eligibility Of Employees Working For One Type Of Academic Employer Who Cross Over Between Years Or Terms To Work For Another Type Of Academic Employer

Whenever an individual performs services in the employ of one type of academic employer as defined by Section 2915.40(b) during an academic year or term and there is reasonable assurance that the individual will perform services in the employ of another type of academic employer for a subsequent academic year or term, the individual shall not be ineligible under Section 612 of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 442) [820 ILCS 405/612] during the period between the two academic years or terms.

Example: If a teacher employed by an educational institution receives assurance that at the end of the academic year his employment will continue for the next year for an educational service agency, the individual shall not be ineligible during that period under Section 612 of the Act.

(Source: Added at 18 Ill. Reg. _____, effective MAR 0 3 1994)

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Section 2915.47

Eligibility Of Employees Working In One Capacity Who Cross Over Between Years Or Terms To Work In Another Capacity

Whenever an individual performs services in one capacity during an academic year or term and there is reasonable assurance that the individual will perform the services in a different capacity for a subsequent academic year or term, the individual shall not be ineligible under Section 612 of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 442) [820 ILCS 405/612] during the period between the two academic years or terms.

Example: If a typist receives assurance that at the end of the academic year his employment will continue for the next year but in the capacity of a teacher, the individual shall not be ineligible during that period under Section 612 of the Act.

(Source: Added at 18 Ill. Reg. _____, effective MAR 0 3 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Claimant's Availability For Work, Ability To Work And Active Search For Work
- 2) Code Citation: 56 Ill. Adm. Code 2865
- 3) Section Number: Adopted Action:
2865.130 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 409, 420, 610 and 611 [820 ILCS 405/409, 405/500, 405/1700 and 405/1701], as amended by P.A. 87-1266, effective March 3, 1993.
- 5) Effective Date of the Amendment: MAR 03 1994, 1994.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: FEB MAR 03 1994 1994.
- 9) Notice of Proposal published in Illinois Register: November 12, 1993 at 17 Ill. Reg. 19421.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.

11) Difference between proposal and final version: In the first line, "Section 500C(5)" is changed to "Paragraph 5 of subsection C of Section 500"; the commas following subsections (a)(1)(A) and (B) are deleted; in subsection (b), "Section 500C" is changed to "subsection C of Section 500 of the Act"; in (1), "a" is added before "substate grantee"; in (3) and in (4), "paragraph (5) of Section 500C" is changed to "paragraph 5 of subsection C of Section 500"; and a paragraph 5 is added to subsection (b) so that the criteria match those required by the statute; and the period preceding this new paragraph is changed to a semicolon.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and purpose of the rules: A recent amendment (Section 301 of P.L. 102-367) to the Federal Job Training Partnership Act (JTPA) required that states "approve" training, as required by Section 3304(a)(8) of the Federal Unemployment Tax Act (FUTA), for participants in training under Title III of JTPA. Part of this amendment is intended to bring this State into compliance with this requirement. In addition, if an individual has been found eligible for training under JTPA by the Department of Commerce and Community Affairs under the criteria set forth in this rule, then that training shall also be considered approved by the Director.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY

SUBCHAPTER f: ELIGIBILITY FOR BENEFITS

PART 2865

CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK
AND ACTIVE SEARCH FOR WORK

SUBPART A: GENERAL PROVISIONS

Section	
2865.1	Definitions
2865.50	Union Registration In Satisfaction Of Active Search Provisions
2865.55	Requirements For Union Local Certification
2865.60	Procedures For Approval As A Certified Union

SUBPART B: REGULAR BENEFITS

2865.100	Work Search Requirements For Regular Unemployment Insurance Benefits
2865.105	Able To Work
2865.110	Available For Work
2865.115	Actively Seeking Work
2865.120	Suitability Of Work - Labor Standards
2865.125	Availability For Part Time Work Only
2865.130	Director's Approval Of Training
2865.135	Availability For Work And Active Search For Work: Attendance At Training Courses
2865.140	Regular Attendance In Approved Training

SUBPART C: EXTENDED BENEFITS

2865.205	Applicability Of Rules For Eligibility For Regular Benefits
2865.210	Systematic And Sustained Search For Work
2865.215	When An Individual's Prospects For Finding Work Shall Be Deemed To Be Good

AUTHORITY: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 409, 420, 610, and 611 [820 ILCS 405/409, 405, 405, 405 and 405] (see P.A. 87-1266, effective March 3, 1993).

SOURCE: Adopted at 10 Ill. Reg. 11887, effective July 1, 1986; amended at 14 Ill. Reg. 18466, effective November 5, 1990; amended at 17 Ill. Reg. 17917, effective October 4, 1993; amended at 18 Ill. Reg. _____, effective **MAR 03 1994**.

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SUBPART B: REGULAR BENEFITS

Section 2865.130 Director's Approval Of Training

~~Section 500e(5) Paragraph 5 of subsection C of Section 500 of the Act provides that "an individual shall not be deemed unavailable for work or to have failed actively to seek work.,, with respect to any week, because he is enrolled in and is in regular attendance at a training course approved for him by the Director.,,."~~ ^A ~~training course must have been approved under 56-111-Adm-Code 2620 or meet the following criteria in order to be approved by the Director:~~

- a) The following criteria must be satisfied in order for a training course to be approved for an individual by the Director:

1) The training course shall relate to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable work opportunities in the locality. This means that:

- 1A) The training course must be vocational or provide the individual with skills essential for the performance of work in a specific occupation; and,

Example: The Director shall not approve classes designed solely to provide an individual with a high school equivalency diploma since this would not enhance opportunities in a specific occupation. However, the Director shall approve courses of study which include some purely academic courses if such course work is secondary to its vocational aspects.

- 2B) The course must be designed to facilitate the individual's reemployment in a reasonably expeditious manner; however, the Director shall not approve courses of study of more than one year in duration unless such course is approved under 56 Ill. Adm. Code 2620; and,

- 3C) The course must focus on providing the individual with the competency necessary for

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securing entry level employment in the selected occupation; and

Example: The Director shall not approve training for the purpose of allowing an individual to improve his marketability, i.e. a bookkeeper who wishes to become an accountant. If there exists a reasonable job market for bookkeepers in the individual's locality, the Director shall not approve training which enhances the claimant's already marketable skills.

4D) The course must consist of at least twelve hours per week of instruction from a competent and reliable training agent. This minimum of twelve hours of instruction must include contact between the student and the instructor. Such contact could result from classroom training, laboratory instruction or tutoring.

b2) Such training course must be offered by a competent and reliable agency, educational institution or employing unit.

e) ~~In-addition-to-meeting-the-criteria-set-forth-in subsections (a) and (b); the individual must show that:~~

13) Work opportunities for which the individual is qualified by training and experience are limited or do not exist in the individual's locality; and

Example: If the individual is a trained and certified nurse's aide, the Director shall not approve training to become a registered nurse if reasonable openings exist in the individual's locality for nurse's aides, even if the individual is dissatisfied with her present occupation.

24) The individual has the qualifications and aptitude to complete the course successfully; and,

Example: The Director shall not approve a course which requires the ability to read and

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write in English for an individual who is not fluent in English.

35) The enrollee is not a recipient nor eligible for subsistence payments or similar assistance under any public or private retraining program.

b) Notwithstanding subsection (a), a training course is approved for an individual by the Director for the purposes of subsection C of Section 500 of the Act if:

1) both the training course and the individual's participation in the training course are approved by the Department of Commerce and Community Affairs or by the Private Industry Council or a substate grantee of a Service Delivery Area within the State; and

2) the course is part of a program authorized pursuant to the Job Training Partnership Act or other federal legislation establishing an employment and training program; and

3) the criteria on the basis of which the Department of Commerce and Community Affairs, the Private Industry Council or the substate grantee approves the course include criteria consistent with clauses (2) and (3) of subparagraph (a) of paragraph 5 of subsection c of Section 500; and

4) the criteria on the basis of which the Department of Commerce and Community Affairs, the Private Industry Council or the substate grantee approves an individual's participation in the course include criteria consistent with clauses (1) and (4) of subparagraph (a) of paragraph 5 of subsection c of Section 500;

5) the course is not disapproved by reason of clause (5) of subparagraph (a) of paragraph 5 of subsection c of Section 500.

(Source: Amended at 18 Ill. Reg. _____, effective **MAR 03 1994**.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Disqualifying Income And Reduced Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2920
- 3) Section Number:
 2920.65 Amended Section
 2920.70 Amended Section
 2920.75 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611 [820 ILCS 405/234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1700 and 1701].

- 5) Effective Date of the Amendment: MAR 0 3 1994, 1994.
- 6) Does this rulemaking contain an automatic repeal date?
 No.

- 7) Does this rule contain an incorporation by reference? No.

- 8) Date filed in Agency's Principal Office: February 0 3 1994
 1994.

- 9) Notice of Proposal published in Illinois Register:
 November 12, 1993 at 17 Ill. Reg. 19427.

- 10) Has JCAR issued a Statement of Objection to these Rules?
 No.

- 11) Difference between proposal and final version: In the authority note, the semicolon after 611 in the fourth line is deleted; in subsection (c) of rule 2920.65, the comma in the fourth line is changed into a semicolon; in subsection (a)(1) of rule 2920.70, the word "that" in the fourth line is changed to "the".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will the proposed amendments replace an emergency amendment currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and purpose of the rules: The rules modify the Department's treatment of lump sum retirement pay if the employee had the option of receiving the retirement pay on a periodic basis. The Department's previous position treated the lump sum retirement pay as disqualifying only with respect to the week it was received. The new rules treat the lump sum retirement payment as disqualifying for the period it could have been received at the employee's option, provided that the employer notifies the Department within 10 calendar days after notice of the individual's filing of a claim for benefits.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel
 Illinois Department of Employment Security
 401 South State Street - 2nd Floor South
 Chicago, IL 60605
 (312)793-4240

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER 9: INELIGIBILITY FOR BENEFITS

PART 2920

DISQUALIFYING INCOME AND REDUCED BENEFITS

SUBPART A: GENERAL PROVISIONS

Section	
2920.1	Definitions
2920.5	Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.10	Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
2920.15	Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.20	Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.25	Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.30	Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
2920.35	Holiday Pay
2920.40	Payments In Lieu Of Notice Of Separation Or Layoff
2920.45	Severance Pay
2920.48	Residual Payments
2920.49	Payments For National Guard Or Air National Guard Service
2920.50	Back Pay Awards
2920.55	Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.60	Supplemental Unemployment Benefits (SUB Pay)
2920.65	Retirement Pay
2920.66	Payments To An Election Judge
2920.68	Payments By A Labor Union
2920.69	Jury Service
2920.70	Retirement Pay Considered Disqualifying Income
2920.75	Allocation Of Retirement Pay
2920.80	Miscellaneous Forms Of Retirement Pay
2920.85	Conformity With Federal Unemployment Tax Act

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AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611 [820 ILCS 405/234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1700 and 1701]).

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17402, effective October 30, 1989; amended at 15 Ill. Reg. 180, effective December 28, 1990; amended at 15 Ill. Reg. 11416, effective July 30, 1991, amended at 18 Ill. Reg. _____, effective MAR 03 1994.

SUBPART A: GENERAL PROVISIONS

Section 2920.65 Retirement Pay

a) For the purposes of this Part, retirement pay is defined as any pension, annuity, or other similar payment made to an individual:

- 1) which is either paid or could have been paid on a periodic basis on account of the individual's separation from an employing unit;
- 2) Under a plan maintained or contributed to by an organization or individual, for which organization or individual the individual performed services during his base period or which organization or individual, including those which have elected to make payments in lieu of paying contributions, is chargeable, pursuant to Section 1502.1 of the Act for any benefit payments made to the individual.

b) Nothing in this Section shall prohibit payments from a plan maintained and operated by a union from constituting retirement pay provided that such payments otherwise satisfy the requirements of subsection (a).

Example: A lump sum payment which satisfies the second criterion given under this Section will nevertheless not constitute retirement pay as defined under this Section because the payment is not made on

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a periodic basis. -- It should be noted, however, that under Section 2920.70-(c), such lump sum payments are considered disqualifying income with respect to the week in which they are paid.

- c) A lump sum payment to an individual on account of his separation from an employing unit shall constitute retirement pay as defined by this Section if this lump sum payment could have been paid on a periodic basis at the option of the individual provided; however, that the individual's receipt of such a lump sum payment also satisfies the requirements of subsection (a) (2).

Example: A lump sum payment made to an individual on account of his separation shall not constitute retirement pay under this Section where the individual did not have the option to receive such payments on a periodic basis. It should be noted, however, that under Section 2920.70(c), such lump sum payments shall be considered disqualifying income with respect to the week in which they are paid.

(Source: Amended at 18 Ill. Reg. _____, effective **MAR 03 1994**).

Section 2920.70 Retirement Pay Considered Disqualifying Income

- a) The entire amount of payments made to an individual constituting retirement pay under Section 2920.65 shall be considered disqualifying income if:

- 1) These payments are from any individual or organization or its successor, for which individual or organization or its successor the individual performed services during his base period or which is chargeable, pursuant to Section 1502.1 of the Act, including those organizations which have elected to make payments in lieu of paying contributions, for any benefit payments made to the individual, and which has paid all of the cost of the individual's retirement pay; or,
- 2) These payments are from a trust, annuity or insurance fund or under an annuity or insurance contract to or under which any individual or organization or its successor, for which individual or organization or its successor the individual performed services during his base period or which is chargeable,

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pursuant to Section 1502.1 of the Act, including those organizations which have elected to make payments in lieu of paying contributions, for any benefit payments made to the individual, and which individual or organization or its successor pays or has paid all of the premiums or contributions.

- b) One-half of payments made to an individual constituting retirement pay under Section 2920.65 shall be considered disqualifying income if the individual or organization or its successor has paid some, but not all, of the cost of the individual's retirement pay.

- 1) Example 1: Payments from independent pension plans established and funded entirely by the individual such as individual retirement accounts (IRA) or Keough plans are not disqualifying within the meaning of this Section because the employer pays no part of the cost of the IRA or Keough plan.

- 2) Example 2: The individual contributes to a retirement plan at a fixed rate of 25%. The employing unit contributes the remaining 75%. Since part of the total contributions to the plan is provided by the employer, 50% of each retirement payment is disqualifying income.

- 3) Example 3: The individual and the employing unit made variable contributions to a retirement plan. However, upon maturity of the plan, the individual has contributed 40% of all of the contributions and the employing unit has contributed the remaining 60%. Since part of the total contributions to the retirement plan is provided by the employer, 50% of each retirement payment is disqualifying income.

- 4) Example 4: The individual belongs to a retirement plan maintained and operated by the union. The employer contributes 60% of the cost of maintaining and operating the plan, the union contributes 5%, and the individual contributes the remaining 35%. Since part of the total contributions to the retirement plan is provided by the employer, 50% of each retirement payment is disqualifying income.

- 5) Example 5: The individual retires from Company A in 1991 when he reaches the age of 65. At this time, he does not continue to work, and he will be entitled to

10.1.1 "Individual" means any person who is employed by the Company and who is entitled to receive retirement benefits under the Plan. This definition shall not include any person who is employed by the Company and who is not entitled to receive retirement benefits under the Plan.

10.1.2 "Retirement benefits" means the benefits payable to an individual under the Plan upon the occurrence of a retirement event. Retirement benefits shall include any lump sum payment, annuity payment, or other benefit payable to an individual under the Plan.

10.2

10.2.1 "Lump sum payment" means a payment of retirement benefits made as a lump sum to an individual.

10.2.2 "Annuity payment" means a series of periodic payments of retirement benefits made to an individual.

10.2.3 "Other benefit" means any benefit payable to an individual under the Plan that is not a lump sum payment or annuity payment. Other benefits shall include any death benefit, disability benefit, or other benefit payable to an individual under the Plan.

10.2.4 "Retirement event" means the occurrence of any event that entitles an individual to receive retirement benefits under the Plan. Retirement events shall include death, disability, and other events specified in the Plan.

10.2.5 "Death benefit" means a lump sum payment of retirement benefits made to the beneficiary of an individual upon the death of the individual. The death benefit shall be payable to the beneficiary named in the individual's designation of beneficiary.

10.2.6 "Disability benefit" means a lump sum payment of retirement benefits made to an individual upon the occurrence of a disability event. The disability benefit shall be payable to the individual.

11.1.1 "Individual" means any person who is employed by the Company and who is entitled to receive retirement benefits under the Plan. This definition shall not include any person who is employed by the Company and who is not entitled to receive retirement benefits under the Plan.

11.1.2 "Retirement benefits" means the benefits payable to an individual under the Plan upon the occurrence of a retirement event. Retirement benefits shall include any lump sum payment, annuity payment, or other benefit payable to an individual under the Plan.

11.1.3 "Lump sum payment" means a payment of retirement benefits made as a lump sum to an individual. The lump sum payment shall be payable to the individual upon the occurrence of a retirement event.

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- 1) The Heading of the Part: Health Services Education Grants Act
- 2) Code Citation: 23 Ill. Adm. Code 1020
- 3) Section Numbers:
1020.10 Adopted Action:
1020.40 Amendment
1020.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Health Services Education Grants Act (110 ILCS 215/1 et seq.)
- 5) Effective Date of Rules: **MAR 03 1994**
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporation by reference? No.
- 8) Date Filed in Agency's Principal Office: March 2, 1994
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 17639, October 15, 1993
- 10) Has JCARE issued a Statement of Objection to these rules? No.
- 11) Difference(s) between proposal and final version: The following change was made in response to requests from the Office of the Secretary of State, Index Department, Administrative Code Division: In the Table of Contents the heading for Section 1020.40 did not agree with the heading in the text and on file; the heading was changed to "Grant Amounts and Allocations."
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule: Public Act 87-1087 amended the Health Services Education Grants Act to authorize grants for colleges and universities that offer pharmacy education programs. Such programs were not covered by existing rules. The adopted amendment adds the grant category, grant rate, and basis for reporting eligible enrollments for pharmacy education programs.
- 16) Information and questions regarding this adopted rule shall be directed to:
Carolyn Lorton, Associate Director
Illinois Board of Higher Education
4 West Old Capital Plaza, Room 500
Springfield, Illinois 62701-1287
VOICE: 217/782-2551 TDD: 217/524-3494

The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1020
HEALTH SERVICES EDUCATION GRANTS ACT

Section	Classes of Eligible Institutions
1020.10	Classes of Grants
1020.20	Definitions
1020.30	Grant Amounts and Allocations
1020.40	Determination of Enrollment
1020.50	Conditions for Grants
1020.60	Application Forms
1020.70	Enrollment Audit Guidelines
1020.80	

AUTHORITY: Implementing and authorized by the Health Services Education Grants Act (Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 821 et seq.) [110 ILCS 250/1 et seq.].

SOURCE: Adopted April 15, 1976; amended at 4 Ill. Reg. 8, p. 137, effective March 22, 1980; amended at 5 Ill. Reg. 2993, effective March 6, 1981; amended at 6 Ill. Reg. 5518, effective April 14, 1982; codified at 8 Ill. Reg. 1453; amended at 8 Ill. Reg. 16878, effective September 4, 1984; amended at 10 Ill. Reg. 7749, effective April 28, 1986; amended at 11 Ill. Reg. 5208, effective March 12, 1987; amended at 14 Ill. Reg. 2020, effective January 18, 1990; amended at 18 Ill. Reg. _____, effective **MAR 03 1994**.

Section 1020.10 Classes of Eligible Institutions

For purposes of the Health Services Education Grants Act (the Act), public institutions and proprietary institutions shall not be considered non-profit Illinois institutions eligible for grants. Eligible institutions shall be divided into the following classes:

- a) Class I Institutions - Colleges and universities offering medical education programs.
- b) Class II Institutions - Colleges and universities offering dental education programs.
- c) Class III Institutions - Colleges and universities offering optometric education programs.
- d) Class IV Institutions - Colleges and universities offering podiatric medical education programs.
- e) Class V Institutions - Colleges and universities offering accredited masters level allied health education programs.
- f) Class VI Institutions - Colleges and universities offering the third and fourth years of accredited baccalaureate level allied health education programs.
- g) Class VII Institutions - Colleges, universities, and hospitals offering the last year of accredited

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- allied health education programs which lead to either a certificate or associate degree.
- h) Class VIII Institutions - Colleges and universities offering accredited masters level nursing education programs.
- i) Class IX Institutions - Colleges and universities offering the third and fourth years of accredited baccalaureate level nursing education programs.
- j) Class X Institutions - Colleges offering the second year of accredited associate degree nursing education programs.
- k) Class XI Institutions - Hospitals offering the last two years of three-year accredited nursing education programs or the last year of two-year accredited nursing education programs.
- l) Class XII Institutions - Hospitals offering the first three years of accredited residency training in family practice, internal medicine, obstetrics/gynecology, and pediatrics programs which are affiliated with and under the educational supervision of public medical schools/colleges. Hospitals shall operate the residency program under written agreement with the medical school/college and such agreement must include at least the following criteria: the appointment of a program director and teaching staff, specific designation of educational program responsibilities for each party, and provision for facilities and space to be utilized for educational program activities.
- m) Class XIII Institutions - Colleges and universities offering baccalaureate level pharmacy education programs.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994)

Section 1020.40 Grant Amounts and Allocations

a) Grant Amounts

The maximum grant rate per Illinois resident enrollee for each class of institution shall be as follows:

Class of Institution	Class of Grants	Amount of Grant Not to Exceed
I	II	\$5,200
I	V	1,500
I	VI	3,000
II	II	3,700
II	V	1,000
II	VI	2,000
III	II	2,400
IV	II	2,400
V	III	1,200
VI	III	1,200

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VII	III	1,200
VIII	III	2,100
IX	III	1,100
X	III	600
XI	III	600
XII	IV	6,200
XIII	III	2,400

b) Grant Allocations

Grant allocations to institutions shall be determined annually, based upon funds appropriated under the Act, the grant amounts specified in Subsection (a), and the actual number of Illinois residents enrolled in institutions eligible for grant support.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994)

Section 1020.50 Determination of Enrollment

- a) The first day of the fourth full week of classes of the fall term shall be the date that the number of Illinois resident students enrolled and attending shall be determined for all Classes of Institutions except Class XII Institutions.
- b) For Class XII Institutions, the first of August shall be the date that the number of filled resident positions shall be determined.
- c) In the case of Class V, VI, VII, VIII, IX, X, ~~and~~ XI, and XIII Institutions, the full-time-equivalent (FTE) undergraduate or graduate Illinois enrollment shall be reported. Undergraduate FTE enrollment shall be determined by dividing the total credit hours (or equivalent) by 15. For masters level programs, FTE enrollment shall be determined by dividing the total credit hours by 12. Any fraction of the program's total FTE will be dropped.
- 1) For institutions which do not grant credit hours, the credit hour value of each unit is obtained by dividing the number of units required for a typical baccalaureate degree into 120 for semester hour equivalency or 180 for quarter hour equivalency.
- 2) For educational programs offered by hospitals, an FTE student is a statistical unit based upon the typical full-time academic load. Of the normal academic load, a student taking three-fourths will account for .75 FTE, one-half will account for .5 FTE, and one-fourth will account for .25 FTE. Any fraction of the program's total FTE will be dropped.
- d) For Class VI, VII, IX, X, and XI Institutions, the classification of students by year shall be as follows:
- 1) First year - less than 30 semester hours (45 quarter hours)
- 2) Second year - 30-59 semester hours (45-89 quarter hours)

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- 3) Third year - 60-89 semester hours (90-134 quarter hours)
 - 4) Fourth year - 90 or more semester hours (135 or more quarter hours)
- e) If the institution does not grant credit hours, the equivalent classification of students by year shall be as follows:
- 1) First year - the equivalent of less than 30 semester hours in a typical baccalaureate degree program.
 - 2) Second year - the equivalent of between 30-59 semester hours in a typical baccalaureate degree program.
 - 3) Third year - the equivalent of between 60-89 semester hours in a typical baccalaureate degree program.
 - 4) Fourth year - the equivalent of 90 or more semester hours in a typical baccalaureate degree program.
- f) For Class I, II, III, and IV Institutions, the following limitations on Illinois resident enrollment shall apply:
- 1) The maximum number of years a student may be counted for grants is four years.
 - 2) A student repeating any portion of the program may be counted only once in each of the four years.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994)

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- 1) Heading of the Part: Administration
- 2) Code Citation: 59 Ill. Adm. Code 101
- 3) Section Number: Adopted Section
101.75 New Section
- 4) Statutory Authority: Implementing the Bogard v. Duffy Consent Decree (No. 88 C2414, U.S.D.C., N.D. IL), signed June 2, 1993 and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5].
- 5) Effective Date of Amendment: MAR 03 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? This rulemaking does not incorporate by reference the rules, regulations, standards or guidelines of an agency of the United States or a nationally or state recognized organization or association.
- 8) Date Filed in Agency's Principal Office: March 1, 1994.
- 9) Notice(s) of Proposal Published in Illinois Register: July 16, 1993 (17 Ill. Reg. 10688)
- 10) Has JCAR issued a Statement of Objections to this amendment? No.
- 11) Difference(s) between proposal and final version: **The Department made the following changes in response to recommendations from the Administrative Code Division:**

The phrase "consent decree" was added to the heading for this Section in the text to be consistent with the Section heading listed in the Table of Contents.

All margins were indented 5 spaces.

In subsection (b), the definition of "(s)ubstantial evidence" was placed in alphabetical order.

In subsection (m)(5)(relabeled), the second subsection (5) was corrected to read (6).

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The Department made the following changes in response to public comments:

Subsection (a) - The second sentence was added.

Subsection (b) - In the definition of "(c)less members", the date was corrected.

A definition of "(i)individual service coordinator" was added necessitating the addition of definitions of "Omnibus Budget Reconciliation Acts of 1987 and 1990", "(p)readmission screening", "(p)readmission screening/annual resident review (PASSAR) agents" and "(r)resident review".

Subsection (e)(1)(C) - The statement "you must ask the agency to reconsider its decision. If the agency does not change its decision" was added after the word "program" in the third line. The phrase "unless the individual services coordinator decides that a delay in transfer or discharge would imperil you or others" was added to the end of the next to the last sentence.

Subsection (e)(2)(B) - The word "date" was added after the word "time" in the first and second lines.

Subsection (e)(3) - The phrase "the class member's individual service coordinator" was added after the phrase "if any" in the second line.

Subsection (e)(4) and subsection (f) - Added, causing all following subsections to be relabeled.

Subsection (g)(relabeled) - The end phrase "except as provided in subsection (h) of this Section" was substituted for the phrase "or any judicial review of that decision" following the phrase "Director's decision".

Subsection (h) - Added.

Subsection (k)(2)(relabeled) - Added, causing former subsection (k)(2) to be relabeled subsection (k)(3).

Subsection (l)(2)(relabeled) - The phrase "the other" was substituted for the word "another".

The Department made the following technical changes:

A period was added after "al" at the end of the second line in question (5) on the pages of questions. A period was also added after "al" in the Authority note both places where it appeared and the first time it appeared in subsection (a).

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In subsection (b) in the definition of "(c)less members", the word "person" was substituted for the word "persons" in the fifth line.

The definitions of "Department" and "Director" were placed in bold face type, as appropriate, and the citations were added.

In the definition of "(d)developmental disability", the period was placed inside the quotation marks.

In the definition of "IAPA", the punctuation was corrected.

In the definitions of "(i)intermediate care facility" and "(s)killed nursing facility", the word "care" was added after the phrase "long-term" in the first line.

In the definition of "Omnibus Budget Reconciliation Acts of 1987 and 1990 (OBRA)", the citation was placed after the acronym "(OBRA)".

In subsection (l)(1)(relabeled), the end period was added.

In subsection (m)(2)(relabeled), the end colon was substituted for the semicolon.

In subsection (o)(1) (relabeled), the word "shall" was substituted for the word "must" after the word "agency" in the third line. In the fourth line, the word "after" was substituted for the word "of" following the word "days".

In subsection (o)(2)(relabeled), the word "after" was substituted for the word "of" following the word "days" in the third line.

In subsection (p)(relabeled), the phrase "administrative law judge" was substituted for the phrase "hearing officer" for consistency.

In subsection (q)(1)(relabeled), a space was added in the third line after the word "brief".

References to the Illinois Revised Statutes were deleted.

In addition, both the main source note and the Section note were updated to reference the 18th volume of the Illinois Register.

The Department made the following changes in response to agreements made with the Joint Committee:

Subsection (a) - The word "Section" was substituted for the word "Rule" in lines three and five. In the third and fourth line, the phrase "the

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Departments rules" before the phrase "at 59 Ill. Adm. Code 115" was deleted; in the fourth line, the comma after "120" was deleted.

Subsection (d) - In the second line, the word "who" was substituted for the word "which" after the phrase "or any other person".

Subsection (e)(1)(C) - The comma between "Springfield" and "IL" was deleted.

Subsection (e)(2)(C) - The letter "S" on the word "Sections" was capitalized.

Subsection (e)(4) - The word "after" was substituted for the word "of" following the phrase "within five days" in the second line.

Subsection (j) - The word "disqualification" was substituted for the word "disqualifications" in the heading.

Subsection (l)(2)(relabeled) - The word "after" was substituted for the word "of" following the phrase "within seven days" in the last line.

Subsection (m)(3), (n) and (q)(1)(relabeled) - The word "from" was substituted for the word "on" before the phrase "the OBRA Management Unit".

Subsection (m)(2)(A)(relabeled) - Deleted, causing the following subsections to be relabeled (B), (C), (D) and (E).

Subsection (m)(5)(B)(relabeled) - The subsection reference was corrected to read "subsection (m)(5)(A)".

Subsection (q)(1)(relabeled) - In the third line, a comma was added after the parenthetical phrase "(if any)".

Subsection (r)(1)(relabeled) - Rewritten and reorganized. The last sentence of this subsection was relabeled (r)(2) and a heading was added, causing the following subsection to be relabeled (r)(3).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all agreed on changes have been made.

13) Will this amendment replace an emergency rule? No.

14) Are there any amendments pending on this Part? No.

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15) **Summary and Purpose of Amendment:** This rulemaking establishes the Department's procedures for the conduct of hearings and appeals for the class members covered by the Bogard v. Duffy Consent Decree. The Consent Decree requires that such rulemaking be promulgated within one month of the signing of the Consent Decree. Because the Department has been working with the court and with the Department of Public Aid to resolve the issues covered by the Consent Decree, the Department interpreted promulgate to mean general rulemaking rather than emergency rulemaking since no emergency exists. Section 101.75 does not apply to any other individuals who may be receiving mental health or developmental disabilities services.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Judith Hollenberg
Rules Administrator
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)785-3313

The full text of the Adopted Amendment begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 101
ADMINISTRATION

Section 101.10 Illinois Department of Mental Health and Developmental Disabilities -- Internal Organization (repealed)
101.20 Service recipients activity fund in Department facilities
101.30 Payments to the account of service recipients
101.60 Service contracts (recodified)
101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) class members

101.80 Conflict of interest

101.90 Specialized living centers

101.100 Community mental health and developmental disabilities service provider participation fee trust fund

APPENDIX A Organization A Illinois Department of Mental Health and Developmental Disabilities (repealed)

Illustration B Associate Director (repealed)

Illustration C Division of Developmental Disabilities (repealed)

Illustration D Division of Alcoholism (repealed)

Illustration E Division of Management Services (repealed)

Illustration F Division of Community Services and Interagency Affairs (repealed)

Illustration G Region 1A Office (repealed)

Illustration H Region 1B Office (repealed)

Illustration I Region 2 Office (repealed)

Illustration J Region 2 Development Disabilities (repealed)

Illustration K Region 3A Office (repealed)

Illustration L Region 3B Office (repealed)

Illustration M Region 4 Office (repealed)

Illustration N Region 5 Office (repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code (411, Rev. Stat. 1990 Supp., ch. 91 1/2, par. 2-105) [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act (411, Rev. Stat. 1989, ch. 91 1/2, par. 100-6, 100-18.1, 100-20 and 100-22) [20 ILCS 1705/6, 18.1, 20 and 22], as amended by P.A. 87-13, effective July 24, 1991; Section 3.06 of the Specialized Living Centers Act (411, Rev. Stat. 1989, ch. 91 1/2, par. 602-06) [405 ILCS 25/3.06], and Section 4A-101 of the Illinois Governmental Ethics Act (411, Rev. Stat. 1989, ch. 127, par. 604A-101) [5 ILCS 420/4A-101] and Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) and authorized by

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Section 5-104 of the Mental Health and Developmental Disabilities Code (411, Rev. Stat. 1989, ch. 91 1/2, par. 5-104) [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act (411, Rev. Stat. 1990 Supp., ch. 91 1/2, par. 100-5) [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act (411, Rev. Stat. 1991, ch. 127, par. 1010-10) [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, p. 277, effective December 3, 1979; amended at 4 Ill. Reg. 17, p. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984. Section 101.60 recodified to 44 Ill. Adm. Code 1250 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 18 Ill. Reg. effective MAR 03 1994

NOTE: Bold-face type denotes statutory language.

Section 101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) class members

a) Applicability

This Section shall apply to decisions concerning the transfer and discharge from community residential settings of Bogard et al. v. Bradley et al. class members. If there is a conflict between this Section and 59 Ill. Adm. Code 115 and 59 Ill. Adm. Code 120 concerning discharge and transfer that apply to class members, this Section will govern.

b) Definitions

For the purposes of this Section, the following terms are defined:

"Administrative law judge (ALJ)." The person appointed by the Director to preside at the formal administrative hearing and is synonymous with any other term used to refer to the person conducting such hearings.

"Agency." An entity that operates a community residential setting.

"Appellant." The person who requests a hearing."

"Class members." All persons 18 years of age or older with developmental disabilities who, on or after March 23, 1986, resided in an intermediate care or skilled nursing facility in Illinois as a

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Medicaid recipient for a period of more than 120 days in the aggregate. No person shall be excluded from the class because he or she has a primary diagnosis that is not mental retardation or a related condition, provided that such person also has a condition which meets the definition of a developmental disability. However, no person first admitted to a nursing facility on or after April 1, 1994, will be a member of the class.

"Community residential setting." One of a variety of living arrangements as long as no more than eight people reside together and the setting is designed to promote independence in daily living, community integration, and economic self-sufficiency. Community residential settings include existing categories such as community integrated living arrangements, community residential alternatives, assisted residential care, supported residential care and adult foster care and may also include newly developed settings which are consistent with these principles.

"Contested case." Has the meaning ascribed to it in Section 1-30 of the IAPA [5 ILCS 100/1-30].

"Days." Working days unless otherwise specified.

"Department." The Department of Mental Health and Developmental Disabilities. (Section 1-105 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-105))

"Developmental disability." A disability that is attributable to mental retardation, regardless of the need for specialized services or a related condition. A related condition meets all of the following conditions:

Is attributable to: cerebral palsy, epilepsy or autism, or any other condition (other than mental illness) found to be closely related to mental retardation because this condition results in impairment or general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation and requires treatment or services similar to those required for such individuals;

Is manifested before the person reaches the age of 22;

Is likely to continue indefinitely; and

Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, or capacity for independent living.

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"Director." The Director of the Department of Mental Health and Developmental Disabilities or his or her designee. (Section 1-108 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-108])

"Discharge." The termination of all services provided to an individual in the community residential setting in which the individual resides.

"IAPA." The Illinois Administrative Procedure Act [5 ILCS 100].

"Individual services coordinator." A person employed by a pre-admission screening and annual resident review agent, who is a qualified mental retardation professional, as defined in the Department's rules at 59 Ill. Adm. Code 103, and who acts as an agent of the State in assuring that each class member has an appropriate individualized service plan and that the service plan is implemented.

"Intermediate care facility." Any long-term care facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act [210 ILCS 45] as an intermediate care facility.

"Medicaid." The medical benefits program administered by the Illinois Department of Public Aid pursuant to Title XIX of the Social Security Act. (42 U.S.C.A. 1396a (1992))

"OBRA Management Unit." A group of individuals charged with coordinating implementation activities under the Bogard et al. v. Bradley et al. consent decree. There is one person designated from each of the Departments of Mental Health and Developmental Disabilities, Public Aid, Rehabilitation Services, Aging and Public Health to serve on the Unit.

"Omnibus Budget Reconciliation Acts of 1987 and 1990 (OBRA) (42 U.S.C. 1396n (1992))." Federal law requiring that an individual with a mental illness or developmental disability have pre-admission screening before placement in a nursing facility. The law also requires an initial and annual assessment of all nursing facility residents having a mental illness or developmental disability to determine if they require the level of care provided by a nursing facility and whether they require specialized services related to their disability.

"Pre-admission screening." A two-phase process, of assessing individuals seeking admission to nursing facilities. The first phase identifies individuals suspected of a possible severe mental illness or developmental disability. The second phase requires an

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assessment and determination of the individual's need for the level of services provided by a nursing facility and need for specialized services.

"Pre-admission screening/annual resident review (PASARR) agents." Entities selected by the Department to carry out the pre-admission screening and resident review services required by OBRA.

"Resident review." A two-phase process to assess individuals residing in nursing facilities. The first phase identifies individuals suspected of a possible mental illness or developmental disability. The second phase requires an assessment and determination of the need of the individual with severe mental illness or a developmental disability for the level of services provided by a nursing facility and the need for specialized services.

"Skilled nursing facility." Any long-term care facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act as a skilled nursing facility.

"Specialized services." A continuous program for each individual. These services include aggressive, consistent implementation of a program of specialized and generic training, treatment health services and related services that are directed toward the acquisition of behaviors necessary for the individual to function physically, intellectually, socially, and vocationally with as much self-determination and independence as possible; and the prevention or deceleration of regression. Specialized services does not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous specialized services program.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

"Transfer." When an individual ceases to be served by one agency and begins to be served by another agency under the same community residential setting without interruption of services.

c) Decisions subject to appeal

Decisions by agencies to discharge or transfer class members shall be appealable pursuant to this Section, except when the agency ceases to provide a particular type of community residential setting.

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d) Representation

The appellant and the agency may be represented during the hearing and appeals process by an attorney or any other person who the appellant or agency chooses. The appellant may also represent him or herself; the agency may represent itself.

e) Notice

1) Notice of an agency decision to discharge or transfer a class member shall be given not less than 30 calendar days before the proposed date of the transfer or discharge. The notice of the decision shall contain:

A) A statement of the reason for the transfer or discharge;

B) The effective date of the proposed transfer or discharge;

C) A statement which reads: "You have a right to appeal the agency's decision. If you think you should not have to leave this program, you must ask the agency to reconsider its decision. If the agency does not change its decision, you may file a request for a hearing with the Department of Mental Health and Developmental Disabilities within 20 days after receiving this notice. You should send a letter saying why you think you shouldn't leave the program and asking for a hearing to: Hearings and Appeals Section, 401 William G. Stratton Building, Springfield IL 62755. If you request a hearing, you will not be transferred or discharged while the appeal is going on unless the individual services coordinator decides that a delay in transfer or discharge would imminently imperil you or others. If you have any questions, call the Department of Mental Health and Developmental Disabilities at 217/783-4000."

D) The name, address and telephone number of the person charged with the responsibility of supervising the transfer or discharge.

2) The notice of the hearing sent by the Department shall contain:

A) A statement of the nature of the hearing;

B) A statement of the time, date and place of the hearing or if a pre-hearing conference is scheduled by the Department, the time, date and place of the conference;

C) A reference to the particular Sections of the statute and rules involved;

D) A statement of the legal authority under which the hearing is held;

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- E) A concise statement of the matters asserted;
- F) A statement of the consequences of failing to respond to the notice;
- G) The official file number;
- H) The names and addresses of the administrative law judge and the parties involved; and
- I) A statement of the right to be represented by the person of the appellant's choice, at his or her expense.

3) All notices under this Section shall be served either personally or by certified mail on the class member and guardian, if any, the class member's individual service coordinator and the agency. If the agency knows that the class member cannot read English, the notice shall be explained to him or her orally in his or her primary language, including sign language.

4) The Department shall send a notice of hearing and notice of pre-hearing conference within five days after receipt of the request for a hearing. The administrative law judge shall schedule the hearing to be held no later than 10 days from the date of the notice.

f) Exhaustion of agency remedies

The class member shall use any agency procedure for appealing the decision before requesting a hearing from the Department.

g) Transfer or discharge pending a hearing

No transfer or discharge shall proceed pending the Director's decision, except as provided for in subsection (h) of this Section.

h) Emergency discharges

When the physical safety of the class member or others is imminently imperiled and appropriate services are not available at the agency, the class member shall be discharged as soon as arrangements can be made for admission to another facility only if the individual service coordinator, after reviewing the class member's record, gathering the necessary clinical information, and meeting with the class member, determines that a delay in discharge would imminently imperil the physical safety of the class member or others and has documented that in the class member's record. In that case notice shall be given in accordance with subsection (e) of this Section as soon as possible but in no case later than 48 hours after the discharge. The hearing shall be held within the time specified in

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subsection (e)(4) of this Section at the receiving facility, unless the administrative law judge determines that either of the parties would not be able to completely present its case at the receiving facility within the specified time. The discharging facility shall hold the class member's bed open until the appeal is resolved.

i) Qualifications of administrative law judge

Administrative law judges shall meet the qualifications set out in the Department's rules at 2 Ill. Adm. Code 1027.

j) Disqualification of administrative law judge

At any time prior to the issuance of the hearing officer's recommended decision, the appellant or the agency may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such a motion shall be made in writing to the Director, with a copy to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment or contract as an administrative law judge by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the Director rules on the motion. The Director may decline to disqualify the administrative law judge, appoint another administrative law judge to hear the case or decide that the appeal should be granted.

k) Pre-hearing conferences

1) The administrative law judge may schedule a pre-hearing conference at his or her discretion. This conference shall be held prior to the hearing and shall be for the purpose of considering:

- A) A clarification of the issues;
- B) The possibility of obtaining admissions of fact and of documents that would avoid unnecessary proof or testimony;
- C) The possibility of a resolution of the case without a hearing; and
- D) Any other matters that may aid in the disposition of the appeal.

2) The administrative law judge shall invite the class member, the class member's guardian, if any, and a representative of the agency to attend the pre-hearing conference. Other persons may attend at the discretion of the administrative law judge. If the class member's guardian or the agency's representative invite other persons, they shall notify the administrative law judge of the invitee's identity at least 24 hours before the pre-hearing conference.

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- 3) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the administrative law judge shall issue an order reciting the agreement and dismissing the appeal. Copies of the order shall be sent to the appellant, the agency and the Department's representative from the OBRA Management Unit. The appellant's and agency's copies shall be sent by certified mail.

1) Discovery

- 1) Discovery such as interrogatories and depositions as provided for in the Rules of the Illinois Supreme Court (S. Ct. Rule 1 et seq.) is at the discretion of the administrative law judge. Requests to take discovery shall be made in writing to the administrative law judge with notice to all parties. Discovery may only be taken with the prior permission of the administrative law judge and is subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

- 2) Each party shall, on request by the other party or the administrative law judge, serve on all other parties a list of potential witnesses who may be called on to testify at the hearing. Such list shall include the address or place of employment of each witness and shall be served within seven days after the receipt of the request.

- 3) The appellant shall, on request, be allowed to inspect and copy any documents which the agency intends to submit at the hearing. Such request shall be made at least two days before the hearing.

m) Conduct of hearings

- 1) All hearings shall be closed to the public. However, individuals who request to attend a hearing may do so with the appellant's consent.

- 2) The administrative law judge:

A) Shall regulate the course of the hearing;

B) Shall dispose of procedural requests;

C) May continue the hearing from time-to-time when necessary;

D) May examine witnesses; and

E) Shall rule on the relevancy of evidence.

- 3) At the hearing, both parties may present written and oral evidence. The agency shall have the burden of proving that there was substantial evidence to support its decision. After the agency's

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presentation, the appellant may present written and oral evidence. Written opening or closing arguments, legal memoranda, trial briefs or similar documents shall be permitted on motion granted or if the parties so stipulate. This requirement shall not prohibit the administrative law judge, sua sponte, from requesting that certain issues be briefed by the parties.

4) Standards

- A) A class member may not be transferred unless the transfer is consistent with the class member's service needs.

- B) A class member may not be discharged unless the discharge is consistent with the class member's service needs or unless the class member does not meet the program's eligibility criteria.

5) Evidence

- A) The rules of evidence and privileges as applied in the circuit courts of this State shall apply in these hearings. However, evidence not admissible under such rules shall be admitted if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

- B) A party may conduct cross-examination of a witness subject to the evidentiary requirements in subsection (m)(5)(A) of this Section.

- C) Notice may be taken of matters of which the circuit court of this State may take judicial notice. In addition, notice may be taken of generally recognized scientific or technical facts within the Department's specialized knowledge. Parties shall be notified before or during the hearing of the material noticed and shall be given an opportunity to contest the material so noticed.

- 6) The hearing shall be either taped or stenographically recorded at the hearing officer's discretion. The Department shall retain the tape or a copy of the transcript. If the appellant or the agency appeals the Director's decision, a copy of the tape or the transcript shall be provided to the appellant and the agency on request.

- n) Administrative law judge's recommended decision

Within 20 days after the hearing, the administrative law judge shall issue his or her recommended decision to the Director. The decision shall contain findings of fact, conclusions of law, the reasons for the decision and a recommended disposition of the case. Copies of the decision shall be sent to both parties by certified mail. A copy shall also be sent to the

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Department's representative from the OBRA Management Unit.

o) Post-hearing briefs

1) Both parties shall be given the opportunity to submit a brief to the Director in response to the administrative law judge's recommended decision. The appellant or the agency shall notify the Director within five days after receipt of the recommended decision if the appellant or the agency intends to submit a brief. Briefs shall be submitted no later than 20 days after receipt of the recommended decision, unless the administrative law judge grants a party's request for additional time. Briefs shall be no longer than 10 pages unless the administrative law judge grants a party's request to submit a longer brief. A copy of the brief shall be sent to the other party.

2) If either party submits a brief, the other party may submit a reply brief to the Director. The appellant or the agency must notify the Director in writing within five days after receipt of the brief if it intends to submit a reply brief. Reply briefs shall be submitted no later than 10 days after receipt of the brief.

p) The record

The record for a hearing shall include:

- 1) All notices, motions and rulings;
- 2) All evidence received and admitted;
- 3) A statement of matters officially noticed;
- 4) Any offers of proof, objections and rulings;
- 5) The administrative law judge's recommended decision; and
- 6) Any ex parte communication prohibited by Section 10-60 of the IAPA [5 ILCS 100/10-60].

q) Director's decision

1) The Director shall be provided with the record and all briefs, if any, within 20 days after receipt of the record or the post-hearing brief (if any), whichever is later, the Director shall issue a final decision adopting, modifying or reversing the recommended decision. The decision shall include findings of facts and conclusions of law. The Director shall adopt the recommended decision if he or she determines that the recommended decision was supported by substantial evidence. Copies of the final decision shall be sent to the appellant, the agency,

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the Department's representative from the OBRA Management Unit, and the administrative law judge. The appellant's and agency's copies shall be sent by certified mail.

2) The Director's decision shall constitute a final administrative decision in accordance with the Administrative Review Law [735 ILCS 5/3] and shall include a statement to that effect.

r) Miscellaneous

1) Ex parte communication

Unless all parties are given notice and an opportunity to participate, the administrative law judge or the Director shall not, after notice of hearings or other on-the-record proceeding, communicate directly or indirectly, in connection with any other issues, with:

- A) Any party;
- B) His or her representative; or
- C) Any other person interested in the outcome of the proceeding.

2) Intra-Departmental communications

A Department employee may communicate with other employees of the Department, and the administrative law judge or Director may have the aid and advice of one or more personal assistants.

3) Waiver

Compliance with this Section or with any or all provisions of the IAPA regarding contested cases [5 ILCS 100/10-25] may be waived by written stipulation of all parties.

(Source: Added at 18 Ill. Reg. effective MAR 03 1994)

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1) Heading of the Part: TRANSPORTATION OF RADIOACTIVE MATERIAL

2) Code Citation: 32 Ill. Adm. Code 341

3) Section Number: Adopted Action:

341.10 Amendment
341.15 New Section
341.20 Amendment
341.40 Amendment
341.50 Amendment
341.60 Amendment
341.70 Amendment
341.80 Amendment
341.90 Amendment
341.100 Amendment
341.110 Amendment
341.120 Amendment
341.140 Amendment
341.150 Amendment
341.160 Amendment
341.170 Amendment
341.180 Amendment
341.190 Amendment
341.200 Amendment
APPENDIX A
TABLE A Repealed
TABLE B Repealed
TABLE C Repealed
TABLE D Repealed

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-1 et seq.) [420 ILCS 40], Section 9 of the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat. 1991, ch. 111½, par. 241-9) [420 ILCS 20/9] and by Section 71(G) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63b17G) [20 ILCS 2095/11(G)].

5) Effective Date of Amendments: MAR 03 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) Date filed in Agency's Principal Office: February 28, 1994

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9) Notice of Proposal Published in the Illinois Register:

August 27, 1993 (17 Ill. Reg. 13933)

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version:

- a) In the Table of Contents, by changing the Section Headings for Appendix A, and Tables A through D.
- b) In Section 341.10, on line 2, by changing the word "apply" to the word "applies".
- c) In Section 341.20:
in the Definition of "Carrier", on 2, by deleting the comma after the word "contract"; and on line 3, by deleting the comma after the word "carrier";
in the Definition of "Low specific activity material", by changing the phrase "LCI" to microCi".
- d) In Section 341.40(a), on line 6, by deleting the comma after the number "350" and inserting the word "and".
- e) In Section 341.50(a)(1), on line 4, by changing the comma to a semi-colon after the word "editions" and by deleting the semi-colon after the word "and".
- f) In Section 341.60(c), on line 2, by deleting the word "subsections" to the word "subsection".
- g) In Section 341.70:
in subsection (a), on line 4, by deleting the comma after the word "compliance";
in subsection (b)(2), on line 2, by deleting the comma after the word "certificate".
- h) In Section 341.80(a), on line 7, by deleting the word "and" at the end of this subsection.

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- i) In Section 341.120:
in subsections (b)(1), (2), (3) and (4), by deleting the word "and" at the end of these subsections.
- j) In Section 341.140(a), on line 5, by changing the semi-colon to a period at the end of this subsection.
- k) In Section 341.150:
in subsection (h)(1), in the table heading, by changing the phrase "μCi" to microCi";
in subsections (j)(3) and (4), on line 1, by changing the phrase "μSv" to microSv".
- l) In Section 341.190:
in subsection (b)(3)(B), on line 2, by deleting the comma after the phrase "xenon-131m";
in subsection (b)(3)(C), on line 3, by deleting the comma after the word "paint";
in subsection (c)(1), on line 1, by deleting the comma after the word "address".
- m) In Appendix A and Tables A through D, by changing the Section Headings.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The Amendment will: (a) add metric conversions that are currently written in English units of measurement; (b) update citations to rules, standards and guidelines that are incorporated by reference; (c) add citations to the Illinois Compiled Statutes; (d) add a new Section 341.15, "Incorporations by Reference" that sets forth general information regarding rules, standards and guidelines that are incorporated into Part 341 by reference; (e) delete

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from the definitions section terms that the Department has defined in 32 Ill. Adm. Code 310; (f) delete Appendix A and the related Tables A, B, C & D and direct licensees to the federal rules for determining A[1] and A[2] values; and (f) clarify that the exemptions contained in Section 341.40 for certain contract and common carriers and the general license contained in Section 341.60 are applicable to other contract and common carriers.

- 16) Information and questions regarding these amendments shall be directed to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 785-9900 (TDD)

The full text of the Adopted Amendments begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 341

TRANSPORTATION OF RADIOACTIVE MATERIAL

Section	Purpose and Scope
341.10	Incorporations by Reference
341.15	Definitions
341.20	Requirement for License
341.30	Exemptions
341.40	Transportation of Licensed Material
341.50	General Licenses for Carriers
341.60	General License: Approved Packages
341.70	Previously Approved Type B Packages
341.80	General License: DOT Specification Container
341.90	General License: Use of Foreign Approved Package
341.100	General License: Type A, Fissile Class II Packages
341.110	General License: Restricted, Fissile Class II Package
341.120	Fissile Material: Assumptions as to Unknown Properties
341.130	Preliminary Determinations
341.140	Routine Determinations
341.150	Air Transport of Plutonium
341.160	Records
341.170	Reports
341.180	Advance Notification of Transport of Nuclear Waste
341.190	Quality Assurance Requirements
341.200	Determination of A[1] and A[2] (Repealed)
APPENDIX A	A[1] and A[2] Values for Radionuclides (Repealed)
TABLE A	Relationship Between A[1] and Emax for Beta Emitters (Repealed)
TABLE B	Relationship Between A[3] and the Atomic Number of the Radionuclide (Repealed)
TABLE C	Activity-Mass Relationships for Uranium/Thorium (Repealed)
TABLE D	

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 210-1 et seq.) [420 ILCS 40], and Section 9 of the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 241-9) [420 ILCS 20/9], and by Section 71(G) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63b17G) [20 ILCS 2005/71(G)].

SOURCE: Adopted at 10 Ill. Reg. 17616, effective September 25, 1986; amended at 11 Ill. Reg. 5219, effective March 13, 1987; amended at 12 Ill. Reg. 2434, effective January 15, 1988; amended at 18 Ill. Reg. _____, effective _____.

MAR 03 1994

NOTE: In this Part, superscript numbers are denoted by parentheses and

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subscript are denoted by brackets.

Section 341.10 Purpose and Scope

~~the regulations in this Part establish~~ establishes requirements for packaging, preparation for shipment, and transportation of radioactive material and apply applies to any person who transports radioactive material or delivers radioactive material to a carrier for transport.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 03 1994)

Section 341.15 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

(Source: Added at 18 Ill. Reg. _____, effective _____, MAR 03 1994)

Section 341.20 Definitions

As used in this Part, the following definitions apply:

"A[1]" means the maximum activity of special form radioactive material permitted in a Type A package as listed in 49 CFR 173.435 or as derived from 49 CFR 173.433.

"A[2]" means the maximum activity of radioactive material, other than special form radioactive material, permitted in a Type A package. Values for A[2] are listed in 49 CFR 173.435 or can be derived from 49 CFR 173.433.

AGENCY NOTE: ~~These values are either listed in Appendix A or may be derived in accordance with the provisions of Appendix A of this Part.~~ Values for A[1] and A[2] are listed in the U.S. Department of Transportation (U.S. DOT) regulations, 49 CFR 173.435 or can be derived from 49 CFR 173.433, published October 1, 1992, exclusive of subsequent amendments or editions.

"Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract or private carrier or by civil aircraft

"Exclusive use" (also referred to in regulations of the U.S.

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Department of Transportation as "sole use" or "full load") means the sole use of a conveyance by a single consignor and for which all initial, intermediary and final loading and unloading are carried out in accordance with the direction of the consignor or consignee.

"Fissile material" means any special nuclear material* consisting of or containing one or more fissile radionuclides. Fissile radionuclides are plutonium-238, plutonium-239, plutonium-241, uranium-233, and uranium-235. Neither natural nor depleted uranium is fissile material. *AGENCY NOTE: Department of Nuclear Safety (Department) jurisdiction extends to special nuclear material only if quantities are not sufficient to form a critical mass as defined in 32 Ill. Adm. Code 310.

Fissile Class I: A package which may be transported in unlimited numbers and in any arrangement, and which requires no nuclear criticality safety controls during transportation.

Fissile Class II: A package which may be transported together with other packages in any arrangement but, for criticality control, in numbers which do not exceed an aggregate transport index* of 50. These shipments require no other nuclear criticality safety control during transportation. Individual packages may have a transport index not less than 0.1 and not more than 10.

*AGENCY NOTE: A transport index is not assigned for purposes of nuclear criticality safety but may be required because of external radiation levels.

"Low specific activity material" means any of the following:

Uranium or thorium ores and physical or chemical concentrates of those ores;

Unirradiated natural or depleted uranium or unirradiated natural thorium;

Trium oxide in aqueous solutions provided the concentration does not exceed 5×10^{-6} millicuries per 185 MBq (5 mCi) per milliliter;

Material in which the radioactivity is essentially uniformly distributed and in which the estimated average concentration per gram of contents does not exceed:

0.0001 millicurie per 3.7 kBq (100 nCi) of radionuclides for which the A[2] quantity in Appendix A of this Part 49 CFR 173.433 or 173.435 is not more than 0.05 curie per 1.85 GBq (50 mCi);

0.005 millicurie per 185 kBq (5 microCi) of radionuclides for which the A[2] quantity in Appendix A of this Part 49 CFR 173.433 or 173.435 is more than 0.05 curie per 1.85 GBq (50 mCi), but not more than 1 curie per 37 GBq (1 Ci); or

0.03 millicurie per 11.1 MBq (300 microCi) of radionuclides for which the A[2] quantity in Appendix A of this Part 49 CFR 173.433 or 173.435 is more than 1 curie per 37 GBq (1 Ci).

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(Ci).

Objects of non-radioactive material externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination, when averaged over an area of 1 square meter, does not exceed 0.0001 millicurie per 3.7 kBq (100 nCi) (220,000 transformations per minute) (3.7×10^{-5} MBq) per square centimeter of radionuclides for which the A[2] quantity in Appendix A of this Part 49 CFR 173.433 or 173.435 is not more than 0.05 curie per 1.85 GBq (50 mCi), or 0.001 millicurie per 3.7 kBq (1 microCi) (2,200,000 disintegrations per minute) (3.7×10^{-5} MBq) per square centimeter for other radionuclides.

AGENCY NOTE: Values for A[1] and A[2] are listed in 49 CFR 173.435 or can be derived from 49 CFR 173.433, published October 1, 1992, exclusive of subsequent amendments or editions.

"Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."

"Package" means the packaging together with its radioactive contents as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of this Part. It may consist of one or more receptacles, absorbent materials, supporting structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.

"Regulations of the U.S. Department of Transportation" (U.S. DOT) means the regulations in 49 CFR 100-109 revised as of October 17, 1986, exclusive of subsequent amendments or editions, a copy of 49 CFR 100-109 is available for public inspection at the Department of Nuclear Safety.

"Special form radioactive material" means radioactive material which satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule; the piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

All special form radioactive material must meet the requirements of the U.S. Nuclear Regulatory Commission (NRC) regulations in 49 CFR 171.75 and 171.77, revised as of January 17, 1987, exclusive of subsequent amendments or editions, except that a special form radioactive material designed or constructed prior to July 17, 1985 need only meet the requirements of 49 CFR 171.75 and 171.77 in effect on June 30, 1983. A copy of 49 CFR 171.75 available for

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Public Inspection at the Department of Nuclear Safety:

"Specific activity" of a radionuclide means the radioactivity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

"Transport index" means the dimensionless number (rounded up to the decimal place) placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is the number expressing the maximum radiation level in millirem per hour at 1 meter from the external surface of the package.

"Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A[1] for special form radioactive material or A[2] for normal form radioactive material, where A[1] and A[2] are given in Appendix A-of this Part 49 CFR 173.435 or may be determined by procedures described in Appendix A-of this Part 49 CFR 173.433.

AGENCY NOTE: Values for A[1] and A[2] are listed in 49 CFR 173.435 or can be derived from 49 CFR 173.433, published October 1, 1992, exclusive of subsequent amendments or editions.

"Type B package" means a Type B packaging together with its radioactive contents. A Type B package design is designated as B(U) or B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see (U.S. DOT) regulations in 49 CFR 173. A Type B package approved prior to September 6, 1983, was designated only as Type B. Limitations on its use are specified in Section 341.80.

"Type B packaging" means a packaging designed to retain the integrity of containment and shielding required by U.S. NRC regulations when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR 71, revised as of published January 1, 1987 1992, exclusive of subsequent amendments or editions. A copy of 10 CFR 71 is available for public inspection at the Department of Nuclear Safety.

"Type B quantity" means a quantity of radioactive material greater than a Type A quantity.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994.)

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Section 341.40 Exemptions

a) Common and contract carriers, freight forwarders and warehousemen who are subject to the requirements of the U.S. DOT in 49 CFR 170 through 189 or the U.S. Postal Service in the Postal Service Manual (Domestic Mail Manual), Section 124.3 incorporated by reference, 39 CFR 111.1 (1984 1974), are exempt from this Part and 32 Ill. Adm. Code 310, 320, 330, 340, 350, and 400 and this Part to the extent that they receive, transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not subject to the requirements of the U.S. DOT or U.S. Postal Service are subject to Section 341.30 and other applicable sections Sections of this Part.

b) Any licensee is exempt from the requirements of this Part to the extent that the licensee delivers to a carrier for transport a package containing radioactive material having a specific activity not greater than 0-002-microcurie-74 Bq (2 nCi) per gram.

c) A licensee is exempt from all requirements of this Part, other than Sections 341.50 and 341.160 with respect to shipment or carriage of the following:

- 1) Packages containing no more than Type A quantities of radioactive material if the package contains no fissile material; or
- 2) Packages, transported between locations within the United States, which contain only americium or plutonium in special form with an aggregate radioactivity not to exceed 20-curies 740 GBq (20 Ci).

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994.)

Section 341.50 Transportation of Licensed Material

a) No licensee may transport licensed material outside the confines of his plant or other place of use or deliver licensed material to a carrier for transport unless:

- 1) such-Such transport and delivery is in compliance with the regulations of the U.S. DOT, 49 CFR 170-189, revised-as-of published October 1, 1986 1992, exclusive of subsequent amendments or editions; and
- 2) any-Any special instructions needed to safely open the package have been made available to the consignee.

b) If, for any reason, the regulations of the U.S. DOT are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of those regulations to the same extent as if the shipment were subject to the regulations.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994.)

Section 341.60 General Licenses for Carriers

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- a) A general license is hereby issued to any common or contract carrier not exempt under Section 341.40. The general license issued under this subsection only authorizes the licensee to receive, possess, transport, and store radioactive material in the regular course of its carriage for another or storage incident thereto, provided the transportation and storage is in accordance with U.S. DOT regulations (49 CFR 171 through 178, revised as of November published October 1, 1984 1992, exclusive of subsequent amendments or editions), insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle and incident reporting.* Any reports of incidents required by 49 CFR 171-178 shall be filed with, or made to, the Department. Copies of 49-CFR-171-through-178-are available for inspection at the Department of Nuclear Safety.
- b) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with U.S. DOT regulations (49 CFR 171 through 178, revised as of November published October 1, 1984 1992, exclusive of subsequent amendments or editions), insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle and incident reporting.* Any reports of incidents required by 49 CFR 171-178 shall be filed with, or made to, the Department. Copies of 49-CFR-171-through-178-are available for inspection at the Department of Nuclear Safety.
- *ASNEV-NRSP:--Any notification of incidents referred to in those U.S. DOT requirements shall be filed with, or made to, the Department.
- c) Persons who transport radioactive material pursuant to the general licenses in Section 341-60 subsection (a) or 341-60(b) above are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 to the extent that they transport radioactive material.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 0 3 1994)

Section 341.70 General License: Approved Packages

- a) A general license is hereby issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance or other approval has been issued by the U.S. Nuclear Regulatory Commission.
- b) This general license applies only to a licensee who:
- 1) Has a copy of the specific license, certificate of compliance, or other approval of the packager and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;
 - 2) Complies with the terms and conditions of the license, certificate or other approval, as applicable, and the applicable requirements of Subsections 341-70(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), (fq), (fr), (fs), (ft), (fu), (fv), (fw), (fx), (fy), (fz), (ga), (gb), (gc), (gd), (ge), (gf), (gg), (gh), (gi), (gj), (gk), (gl), (gm), (gn), (go), (gp), (gq), (gr), (gs), (gt), (gu), (gv), (gw), (gx), (gy), (gz), (ha), (hb), (hc), (hd), (he), (hf), (hg), (hi), (hj), (hk), (hl), (hm), (hn), (ho), (hp), (hq), (hr), (hs), (ht), (hu), (hv), (hw), (hx), (hy), (hz), (ia), (ib), (ic), (id), (ie), (if), (ig), (ih), (ii), (ij), (ik), (il), (im), (in), (io), (ip), (iq), (ir), (is), (it), (iu), (iv), (iw), (ix), (iy), (iz), (ja), (jb), (jc), (jd), (je), (jf), (jg), (jh), (ji), (jj), (jk), (jl), (jm), (jn), (jo), (jp), (jq), (jr), (js), (jt), (ju), (jv), (jw), (jx), (jy), (jz), (ka), (kb), (kc), (kd), (ke), (kf), (kg), (kh), (ki), (kj), (kk), (kl), (km), (kn), (ko), (kp), (kq), (kr), (ks), (kt), (ku), (kv), (kw), (kx), (ky), (kz), (la), (lb), (lc), (ld), (le), (lf), (lg), (lh), (li), (lj), (lk), (ll), (lm), (ln), (lo), (lp), (lq), (lr), (ls), (lt), (lu), (lv), (lw), (lx), (ly), (lz), (ma), (mb), (mc), (md), (me), (mf), (mg), (mh), (mi), (mj), (mk), (ml), (mm), (mn), (mo), (mp), (mq), (mr), (ms), (mt), (mu), (mv), (mw), (mx), (my), (mz), (na), (nb), (nc), (nd), (ne), (nf), (ng), (nh), (ni), (nj), (nk), (nl), (nm), (nn), (no), (np), (nq), (nr), (ns), (nt), (nu), (nv), (nw), (nx), (ny), (nz), (oa), (ob), (oc), (od), (oe), (of), (og), (oh), (oi), (oj), (ok), (ol), (om), (on), (oo), (op), (oq), (or), (os), (ot), (ou), (ov), (ow), (ox), (oy), (oz), (pa), (pb), (pc), (pd), (pe), (pf), (pg), (ph), (pi), (pj), (pk), (pl), (pm), (pn), (po), (pp), (pq), (pr), (ps), (pt), (pu), (pv), (pw), (px), (py), (pz), (qa), (qb), (qc), (qd), (qe), (qf), (qg), (qh), (qi), (qj), (qk), (ql), (qm), (qn), (qo), (qp), (qq), (qr), (qs), (qt), (qu), (qv), (qw), (qx), (qy), (qz), (ra), (rb), (rc), (rd), (re), (rf), (rg), (rh), (ri), (rj), (rk), (rl), (rm), (rn), (ro), (rp), (rq), (rr), (rs), (rt), (ru), (rv), (rw), (rx), (ry), (rz), (sa), (sb), (sc), (sd), (se), (sf), (sg), (sh), (si), (sj), (sk), (sl), (sm), (sn), (so), (sp), (sq), (sr), (ss), (st), (su), (sv), (sw), (sx), (sy), (sz), (ta), (tb), (tc), (td), (te), (tf), (tg), (th), (ti), (tj), (tk), (tl), (tm), (tn), (to), (tp), (tq), (tr), (ts), (tt), (tu), (tv), (tw), (tx), (ty), (tz), (ua), (ub), (uc), (ud), (ue), (uf), (ug), (uh), (ui), (uj), (uk), (ul), (um), (un), (uo), (up), (uq), (ur), (us), (ut), (uu), (uv), (uw), (ux), (uy), (uz), (va), (vb), (vc), (vd), (ve), (vf), (vg), (vh), (vi), (vj), (vk), (vl), (vm), (vn), (vo), (vp), (vq), (vr), (vs), (vt), (vu), (vv), (vw), (vx), (vy), (vz), (wa), (wb), (wc), (wd), (we), (wf), (wg), (wh), (wi), (wj), (wk), (wl), (wm), (wn), (wo), (wp), (wq), (wr), (ws), (wt), (wu), (wv), (ww), (wx), (wy), (wz), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xl), (xm), (xn), (xo), (xp), (xq), (xr), (xs), (xt), (xu), (xv), (xw), (xx), (xy), (xz), (ya), (yb), (yc), (yd), (ye), (yf), (yg), (yh), (yi), (yj), (yk), (yl), (ym), (yn), (yo), (yp), (yq), (yr), (ys), (yt), (yu), (yv), (yw), (yx), (yy), (yz), (za), (zb), (zc), (zd), (ze), (zf), (zg), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zp), (zq), (zr), (zs), (zt), (zu), (zv), (zw), (zx), (zy), (zz).

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- 4207-(d) this Section and Sections 341.50, 341.140, 341.150 and 341.170-341-180-341-190 and through 341.200;
- 3) Prior to the licensee's first use of the package, has registered with the U.S. Nuclear Regulatory Commission; and
 - 4) Has a quality assurance program as required by Section 341.200 approved by the Department.
- c) The general license in Subparagraph subsection (a) above applies only when the package approval authorizes use of the package under this general license.
- d) For previously approved Type B packages which are not designated as either B(U) or B(M) in the NRC Certificate of Compliance, this general license is subject to additional restrictions of Section 341.80.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 0 3 1994)

Section 341.80 Previously Approved Type B Packages

A Type B package previously approved by the NRC, but not designated as B(U) or B(M) in the NRC Certificate of Compliance, may be used under the general license of Section 341.70 with the following additional limitations:

- a) Fabrication of the packaging was satisfactorily completed before August 31, 1986, as demonstrated by application of its model number in accordance with U.S. NRC regulations 10 CFR 71, Subparts E, F, G and H, revised as of published January 1, 1985 1992, exclusive of subsequent amendments or editions. A copy of 10-CFR-71-is-unavailable for public inspection at the Department of Nuclear Safety; and
- b) The package may not be used for a shipment to a location outside the United States after August 31, 1986, except under special arrangement approved by the U.S. DOT in accordance with 49 CFR 173.471, revised as of November published October 1, 1984 1992, exclusive of subsequent amendments or editions. A copy of 49-CFR-173-is-unavailable for public inspection at the Department of Nuclear Safety.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 0 3 1994)

Section 341.90 General License: DOT Specification Container

- a) A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a specification container for a Type B quantity of radioactive material as specified in the regulations of the U.S. DOT in 49 CFR 173 and 178, revised as of November published October 1, 1984 1992, exclusive of subsequent amendments or editions. Copies of 49-CFR-173 and 178-are-unavailable for public inspection at the Department of Nuclear Safety.
- b) This general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying the

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provisions of Section 341.200.

c) This general license applies only to a licensee who:

- 1) Has a copy of the specifications in accordance with 49 CFR 178; and
- 2) Complies with the terms and conditions of the specifications in accordance with 49 CFR 178 and the requirements of this Part.
- d) The general license in subsection (a) above is subject to the limitation that the specification container may not be used for a shipment to a location outside the United States after August 31, 1986, except under special arrangements approved by U.S. DOT in accordance with 49 CFR 173.472, revised--as-of-November published October 1, 1984 1992, exclusive of subsequent amendments or editions.

A--copy--of--49--CFR--173--is--available--for--public--inspection--at--the Department-of-Nuclear-Safety.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994)

Section 341.100 General License: Use of Foreign Approved Package

a) A general license is issued to any licensee of the Department to transport or to deliver to a carrier for transport licensed material in a package the design of which has been approved in a foreign national competent authority certificate which has been revalidated by the U.S. DOT as meeting the applicable requirements of 49 CFR 171.12, revised--as-of--November published October 1, 1984 1992, exclusive of subsequent amendments or editions.

b) This general license applies only to shipments made to or from locations outside the United States.

c) This general license applies only to a licensee who:

- 1) Has a copy of the certificate, the revalidation, and the drawings and other documents referenced in the certificate relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment; and
- 2) Complies with the terms and conditions of the certificate and revalidation and with the requirements of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994)

Section 341.110 General License: Type A, Fissile Class II Packages

a) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped as a Fissile Class II package.

b) This general license applies only when a package contains no more than a Type A quantity of radioactive material, including only one of the following:

- 1) Up to 40 grams of uranium-235; or

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- 2) Up to 30 grams of uranium-233; or
- 3) Up to 25 grams of the fissile radionuclides of plutonium, except that for encapsulated plutonium-beryllium neutron sources in special form, an A[1] quantity of plutonium may be present; or
- 4) A combination of fissile radionuclides in which the sum of the ratios of the amount of each radionuclide to the corresponding maximum amounts in Section 341.110(b) subsections f1, f2, and (1) through (3) above does not exceed unity.

c) This general license applies only when:

- 1) A package containing more than 15 grams of fissile radionuclides is labeled with a transport index not less than the number given by the following equation, where the package contains x grams of uranium-235, y grams of uranium-233, and z grams of the fissile radionuclides of plutonium:

$$\text{minimum transport index} =$$

$$(0.4x + 0.67y + z)(1 - (15/x + y + z))$$

The transport index must be rounded up to one decimal place, and may not exceed 10.0; or

- 2) For a package in which the only fissile material is in the form of encapsulated plutonium-beryllium neutron sources in special form, the transport index based on criticality considerations shall be taken as 0.026 times the number of grams of the fissile radionuclides of plutonium in excess of 15 grams. The transport index must be rounded up to one decimal place and shall not exceed 10.0.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994)

Section 341.120 General License: Restricted, Fissile Class II Package

a) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped as a Fissile Class II package.

b) This general license applies only when:

- 1) The package contains no more than a Type A quantity of radioactive material; and
- 2) Neither beryllium nor hydrogenous material enriched in deuterium is present; and
- 3) The total mass of graphite present does not exceed 150 times the total mass of uranium-235 plus plutonium; and
- 4) Substances having a higher hydrogen density than water, e.g. certain hydrocarbon oils, are not present, except that polyethylene may be used for packing or wrapping; and
- 5) Uranium-233 is not present and the amount of plutonium does not exceed ~~10~~ one percent of the amount of uranium-235; and
- 6) The amount of uranium-235 is limited as follows:

- A) If the fissile radionuclides are not uniformly distributed, the maximum amount of uranium-235 per package may not exceed

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the value given as follows:

Uranium enrichment in weight percent of uranium-235 per package not exceeding

24 40
20 42
15 45
11 48
10 51
9.5 52
9 54
8.5 55
8 57
7.5 59
7 60
6.5 62
6 65
5.5 68
5 72
4.5 76
4 80
3.5 88
3 100
2.5 120
2 164
1.5 272
1.35 320
1 680*
0.92 1200*

*AGENCY NOTE: Pursuant to its agreement with the U.S. Nuclear Regulatory Commission, Department jurisdiction extends only to 350 grams of uranium-235.

B) If the fissile radionuclides are distributed uniformly (i.e., cannot form a lattice arrangement within the packaging) the maximum amount of uranium-235 per package may not exceed the value given as follows:

Uranium enrichment in weight percent of uranium-235 per package not exceeding

4 84
3.5 92
3 112
2.5 148

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2 240
1.5 560*
1.35 800*

*AGENCY NOTE: Pursuant to its agreement with the U.S. Nuclear Regulatory Commission, Department jurisdiction extends only to 350 grams of uranium-235.

7) The transport index of each package based on criticality considerations is taken as ten times the number of grams of uranium-235 in the package divided by the maximum allowable number of grams per package in accordance with Subsection (b)(6)(A) or (b)(6)(B) above as applicable.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 03 1994)

Section 341.140 Preliminary Determinations

Prior to the first use of any packaging for the shipment of radioactive material:

- The licensee shall ascertain that there are no defects in the packaging which could impact on compliance with the standards specified in 10 CFR 71, Subparts F and G, ~~revised as of~~ published January 1, 1985 1992, exclusive of subsequent amendments or editions.
- Where the maximum normal operating pressure will exceed 34.3 kilopascal (5 psi) gauge, the licensee shall test the containment system at an internal pressure at least 50% higher than the maximum normal operating pressure to verify the capability of that system to maintain its structural integrity at that pressure.
- The licensee shall conspicuously and durably mark the packaging with its model number, gross weight, and a package identification number assigned by the U.S. Nuclear Regulatory Commission. Prior to applying the model number, the licensee shall determine that the packaging has been fabricated in accordance with the design approved in the certificate of compliance issued by the U.S. Nuclear Regulatory Commission.

(Source: MAR 03 1994 at 18 Ill. Reg. _____, effective _____)

Section 341.150 Routine Determinations

Prior to each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the requirements of this Part and of the license. The licensee shall determine that:

- The package is proper for the contents to be shipped in accordance with 49 CFR 173.401 ~~through 173-435~~;
- The package is in unimpaired physical condition except for superficial defects such as marks or dents;
- Each closure device of the packaging, including any required gasket,

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- is properly installed and secured and free of defects;
- d) Any system for containing liquid is sealed and has space or other specified provision for expansion of the liquid in accordance with 10 CFR 71, Subpart F, ~~revised as of~~ published January 1, 1985 1992, exclusive of subsequent amendments or editions;
- e) Any pressure relief device is operable and set in accordance with the certificate of compliance;
- f) The package has been loaded and closed in accordance with written procedures;
- g) Any structural part of the package which could be used to lift or tie down the package during transport is rendered inoperable for that purpose unless it satisfies design requirements specified in accordance with 10 CFR 71.45, ~~revised as of~~ published January 1, 1995 1992, exclusive of subsequent amendments or editions;
- h) The package meets the following requirements for removable contamination:

- 1) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable. The level of non-fixed radioactive contamination may be determined by wiping an area of 300 square centimeters of the surface concerned with an absorbent material, using moderate pressure, and measuring the activity on the wiping material. Sufficient measurements must ~~shall~~ be taken in the most appropriate locations to yield a representative assessment of the non-fixed contamination levels.* Except as provided under in subsection Section---341-159(h)(2) below, the amount of radioactivity measured on any single wiping material when averaged over the surface wiped, must ~~shall~~ not exceed the limits given in Subsection ~~(h)(1)~~ ~~of this part~~ this subsection at any time during transport. Other methods of assessment of equal or greater efficiency may be used. When other methods are used, the detection efficiency of the method used must ~~shall~~ be taken into account and in no case may the non-fixed contamination on the external surfaces of the package exceed ten ~~(10)~~ times the limits listed as follows:

REMOVABLE EXTERNAL RADIOACTIVE

CONTAMINATION WIPE LIMITS

Maximum Permissible
Limits

Bq/cm(2) microCi cm(2) dpm cm(2)

Contaminant

Beta-gamma-emitting
radionuclides; all radio-
nuclides with half-lives

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- less than ~~ten~~(10) days;
natural uranium; natural
thorium; uranium-235;
uranium-238; thorium-232;
thorium-228; and thorium-230
when contained in ores or
physical concentrates..... 0.37 10(-5) 22
- All other alpha-emitting
radionuclides..... 0.037 10(-6) 2..

AGENCY NOTE: One generally-acceptable technique is to perform one wipe test per square meter of surface area of the package. Appropriate locations for wipes include the areas where the package might leak through sealing gaskets or a location where water might stand on the container.

- 2) In the case of packages transported as exclusive use shipments by rail or highway only, the non-fixed radioactive contamination at any time during transport must ~~shall~~ not exceed ten ~~(10)~~ times the levels prescribed in subsection Section-341-159(h)(1) above. The levels at the beginning of transport must ~~shall~~ not exceed the levels prescribed in subsection Section-341-159(h)(1) above.

AGENCY NOTE: The generally-acceptable technique is to perform one wipe test per square meter of surface area of the package. Appropriate locations for wipes include the areas where the package might leak through sealing gaskets or a location where water might stand on the container.

- i) External radiation levels around the package and around the vehicle, if applicable, will not exceed ~~200-millirem~~ 2 mSv (200 mrem) per hour at any point on the external surface of the package at any time during transportation. The transport index shall not exceed ~~ten~~ 10.

- j) For a package transported as exclusive use by rail, highway, or water, radiation levels external to the package may exceed the limits specified in Subparagraph subsection (i) above but must ~~shall~~ not exceed any of the following:

- 1) ~~200-millirem-hour~~ 2 mSv (200 mrem) per hour on the accessible external surface of the package unless the following conditions are met, in which case the limit is ~~1000-millirem~~ 10 mSv (1 rem) per hour.

- A) The shipment is made in a closed transport vehicle;
B) Provisions are made to secure the package so that its position within the vehicle remains fixed during transportation; and
C) There are no loading or unloading operations between the beginning and end of the transportation;
2) ~~200-millirem-hour~~ 2 mSv (200 mrem) per hour at any point on the outer surface of the vehicle, including the upper and lower surfaces, or, in the case of an open vehicle, at any point on the

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vertical planes projected from the outer edges of the vehicle, on the upper surface of the load, and on the lower external surface of the vehicle;

- 3) ~~10--millirem/hour--~~ 100 microSv (10 mrem) per hour at any point two 2 meters from the vertical planes represented by the outer lateral surfaces of the vehicle, or, in the case of an open vehicle, at any point two 2 meters from the vertical planes projected from the outer edges of the vehicle; and
- 4) ~~2--millirem/hour--~~ 20 microSv (2 mrem) per hour in any normally-occupied position of the vehicle, except that this provision does not apply to private motor carriers when persons occupying these positions are provided with special health supervision, personnel radiation exposure monitoring devices, and training in accordance with 32 Ill. Adm. Code 400.

- k) A package ~~must~~ shall be prepared for transport so that in still air at ~~100a-F-t 38° C† (100° F)~~ and in the shade, no accessible surface of a package would have a temperature exceeding ~~122a-F-t 50° C† (122° F)~~ in a nonexclusive use shipment or ~~100a-F--t 82° C† (180° F)~~ in an exclusive use shipment. Accessible package surface temperatures shall not exceed these limits at any time during transportation.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 0 3 1994)

Section 341.160 Air Transport of Plutonium

Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this ~~part~~ Part or included indirectly by citation of U.S. DOT regulations, as may be applicable, the licensee shall assure that plutonium in any form is not transported by air or delivered to a carrier for air transport unless:

- a) The plutonium is contained in a medical device designed for individual human application; or
- b) The plutonium is contained in a material in which the specific activity is not greater than ~~0-002-microcuries-t 74 Bq† (2 nCi)~~ per gram of material and in which the radioactivity is essentially uniformly distributed; or
- c) The plutonium is shipped in a single package containing no more than an A[2] quantity of plutonium in any isotope or form and is shipped in accordance with Section 341.50; or
- d) The plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the U.S. Nuclear Regulatory Commission.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 0 3 1994)

Section 341.170 Records

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- a) Each licensee shall maintain for a period of ~~two-t2†~~ years after shipment a record of each shipment of licensed material not exempt under Section 341.40, showing, where applicable:

- 1) Identification of the packaging by model number;
 - 2) Verification that there are no defects in the packaging, as shipped which would prevent the package from meeting the standards of 10 CFR 71, Subparts E and F, ~~revised-as-of~~ published January 1, 1985 1992, exclusive of subsequent amendments or editions;
 - 3) Volume and identification of coolant;
 - 4) Type and quantity of licensed material in each package and the total quantity of each shipment;
 - 5) Date of the shipment;
 - 6) Name and address of the transferee;
 - 7) Address to which the shipment was made; and
 - 8) Results of the determinations required by Section 341.130.
- b) The licensee shall make available to the Department for inspection, at any time during shipment or upon ~~three~~ 3 days notice after shipment, all records required by this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 0 3 1994)

Section 341.180 Reports

The licensee shall report to the Department within 30 days:

- a) Any instance in which a reduction in the effectiveness of any authorized packaging impacts upon compliance with 10 CFR 71, Subparts E and F, ~~revised-as-of~~ published January 1, 1985 1992, exclusive of subsequent amendments or editions; and
- b) Details of any defects in the packaging after first use impacting upon compliance with 10 CFR 71, Subparts E and F, published January 1, 1992, exclusive of subsequent amendments or editions, with the means employed to repair the defects and prevent their recurrence.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAR 0 3 1994)

Section 341.190 Advance Notification of Transport of Nuclear Waste

- a) Licensees who transport radioactive waste or deliver radioactive waste to a carrier for transport outside of the confines of the licensee's facility or other place of use or storage, ~~must~~ shall provide advance notification of such transport to the ~~governor~~ Governor or ~~governor's~~ Governor's designee* in accordance with subsection (b) below. Such notification shall include the Governor ~~governors~~ or ~~governor's~~ designees Governor's designee of ~~all-states~~ each state through which the radioactive waste is to be transported.

*AGENCY NOTE: A list of the mailing addresses of the ~~governors~~

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Governors and governors' designees is available upon request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

b) Advance notification is required only when:

- 1) The nuclear waste is required to be in Type B packaging for transportation;
- 2) The nuclear waste is being transported to, through, or across state boundaries to a disposal site or to a collection point for transport to a disposal site;

- A) $5000\text{-curies} \rightarrow 185 \text{ TBq}$ (5 kCi) of special form radionuclides;
 B) $5000\text{-curies} \rightarrow 185 \text{ TBq}$ (5 kCi) of uncompressed gases of argon-41, krypton-85m, krypton-87, xenon-131m or xenon-135;
 C) $5000\text{-curies} \rightarrow 1.85 \text{ PBq}$ (50 kCi) of argon-37, or of uncompressed gases of krypton-85 or xenon-133, or of hydrogen-3 as a gas, as luminous paint or adsorbed on solid material;
 D) $20\text{-curies} \rightarrow 740 \text{ GBq}$ (20 Ci) of other non-special form radionuclides for which A[2] is less than or equal to four t -curies $\rightarrow 148 \text{ GBq}$ (4 Ci); or
 E) $200\text{-curies} \rightarrow 7.4 \text{ TBq}$ (200 Ci) of other non-special form radionuclides for which A[2] is greater than four t -curies $\rightarrow 148 \text{ GBq}$ (4 Ci).

(c) Each advance notification required by Section 341.190 subsection (a) above shall contain the following information:

- 1) The name, address and telephone number of the shipper, carrier and receiver of the shipment;
- 2) A description of the nuclear waste contained in the shipment as required by the regulations of the U.S. DOT, 49 CFR 172.202 and 172.203(d), revised--as-of--November published October 1, 1984 1992;

*AGENCY NOTE: Requirements contained in subsequent amendments of editions of 49 CFR 172 are not incorporated into this rule. A copy of 49 CFR 172 is available for public inspection at the Department of Nuclear Safety.

- 3) The point of origin of the shipment and the seven 7-day period during which departure of the shipment is estimated to occur;
- 4) The seven 7-day period during which arrival of the shipment at state boundaries is estimated to occur;
- 5) The destination of the shipment and the seven 7-day period during which arrival of the shipment is estimated to occur; and
- 6) A point of contact, with a telephone number, for current shipment information.

d) The notification required by Section 34(1)(9) subsection (a) above shall be made in writing to the office Office of the Governor or Governor's designee and to the Department. A notification delivered by mail must shall be postmarked at least seven 7 days before the beginning of the seven 7-day period during which departure of the

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shipment is estimated to occur. A notification delivered by messenger must shall reach the office Office of the governor Governor or governor's Governor's designee, at least four 47 days before the beginning of the seven 7-day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for one 11 year.

e) The licensee shall notify the Governor, or Governor's designee and the Department of any changes to schedule information provided pursuant to Section 341-199 subsection (a) above. Such notification shall be by telephone to a responsible individual in the Office of the Governor or Governor's designee and in the Department. The licensee shall maintain for one- (1) year a record of the name of the individual contacted.

(f) Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall send a cancellation notice to the Governor or Governor's designee and to the Department. A copy of the notice shall be retained by the licensee for one-1 year.

Source: Amended at 18 Ill. Reg. _____, effective _____)
MAR 09 1994

Section 341.200 Quality Assurance Requirements

a) Each person licensed pursuant to this Part shall establish, maintain, and execute a quality assurance program to verify, by procedures such as checking, auditing and inspection, that deficiencies, deviations and defective material and equipment relating to the shipment of packages containing radioactive materials are promptly identified and corrected. Prior to the use of any package for the shipment of radioactive material, each licensee shall obtain special Departmental approval of its quality assurance program. Such approval shall be in accordance with the U.S. Nuclear Regulatory Commission

Reg. Revision I of NRC Regulatory Guide 8.6, "Standards for Packaging Material Contained in Their Regulatory Guide or Generic Requirements," published January-February 1983, which are available for public inspection at the National Archives and Records Administration.

Assurance Programs for Packaging Used in the Transport of Radioactive Material, published January-1983 June 1986, exclusive of subsequent amendments or editions. A copy of the Regulatory Guide is available for public inspection at the National Archives and Records Administration.

b) Each person licensed pursuant to this Part shall document the quality assurance program by written procedures or instructions and shall carry out the program in accordance with those procedures throughout the period during which packaging is used. The licensee shall identify the material and components to be covered by the quality assurance program.

c) A person licensed pursuant to this Part shall maintain sufficient written records to demonstrate compliance with the quality assurance program. Records pertaining to the use of a package for shipment of radioactive material must shall be retained for a period of two-4 20 years after shipment.

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(Source: Amended 18 Ill. Reg. _____, effective _____)

Section 341. APPENDIX A Determination of A[1] and A[2] (Repealed)

a) Single-radionuclides:

- 1) For a single-radionuclide of known identity, the values of A[1] and A[2] are taken from Table A-1 if listed there. The values of A[1] and A[2] in Table A-1 are also applicable for radionuclides contained in alpha-neutron or gamma-neutron sources.
- 2) For any single-radionuclide whose identity is known but which is not listed in Table A-1, the values of A[1] and A[2] are determined according to the following procedure:--

A) If the radionuclide emits only one type of radiation, A[1] is determined according to the rules in paragraphs (i) through (iv) of this paragraph. For radionuclides emitting different kinds of radiation, A[1] is the most restrictive value of those determined for each kind of radiation. However, in both cases, A[1] is restricted to a maximum of 1000 Ci (37 TBq). If a parent nuclide decays into a shorter-lived daughter with a half-life not greater than ten (10) days, A[1] is calculated for both the parent and the daughter, and the more limiting of the two (2) values is assigned to the parent nuclide.

i) For gamma-emitters, A[1] is determined by the expression:--
A[1] = 9 curies

K

where K is the gamma-ray constant corresponding to the dose in R-hr at 1 meter. For the number 9, results from the choice of 1 cm/h at a distance of 3 m as the reference dose equivalent rate.

ii) For x-ray-emitters, A[1] is determined by the atomic number of the nuclide:
for 8 or less, then or equal to 55, A[1] = 1000 Ci (37 TBq)

for 9 greater than 55, A[1] = 200 Ci (7.4 GBq)

where 2 is the atomic number of the nuclide.

iii) For beta-emitters, A[1] is determined by the maximum beta energy (B(max)) according to Table A-1.

iv) For alpha-emitters, A[1] is determined by the expression:--
A[1] = 1000 A[2]

where A[2] is the value listed in Table A-3.

B) A[2] is the more restrictive of the following two (2) values:--

i) The corresponding A[1] and

ii) The value A[2] obtained from Table A-3.

3) For any single-radionuclide whose identity is unknown, the value of A[1] is taken to be 2 Ci (74 GBq) and the value of A[2] is taken to be 0.002 Ci (74 MBq). However, if the atomic number of the radionuclide is known to be less than 82, the value of A[1] is

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Section 341. APPENDIX A Determination of A[1] and A[2] (Repealed)

a) Single-radionuclides:

- 1) For a single-radionuclide of known identity, the values of A[1] and A[2] are taken from Table A-1 if listed there. The values of A[1] and A[2] in Table A-1 are also applicable for radionuclides contained in alpha-neutron or gamma-neutron sources.
- 2) For any single-radionuclide whose identity is known but which is not listed in Table A-1, the values of A[1] and A[2] are determined according to the following procedure:--

A) If the radionuclide emits only one type of radiation, A[1] is determined according to the rules in paragraphs (i) through (iv) of this paragraph. For radionuclides emitting different kinds of radiation, A[1] is the most restrictive value of those determined for each kind of radiation. However, in both cases, A[1] is restricted to a maximum of 1000 Ci (37 TBq). If a parent nuclide decays into a shorter-lived daughter with a half-life not greater than ten (10) days, A[1] is calculated for both the parent and the daughter, and the more limiting of the two (2) values is assigned to the parent nuclide.

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where K is the gamma-ray constant corresponding to the dose in R-hr at 1 meter. For the number 9, results from the choice of 1 cm/h at a distance of 3 m as the reference dose equivalent rate.

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[illegible]

es of radionuclides--including-radioactive-decay-chains-

THE UNIVERSITY OF CHICAGO PRESS

Attt--tθ-ei-(37θ-SBq+

$$A(2+--)\div 4-Ei-(14\div 0-6Bq+$$

A single radioactive decay chain is considered to be a simple radionuclide when the radionuclides and daughter products naturally occurring proportions and no daughter nuclide has a half-life appreciably longer than 10 days or longer than that of the parent nuclide. The activity to be taken into account and the corresponding rate from table A-1 to be supplied for those chains in which the parent nuclide is that of the parent nuclide are given in table A-2. However, in the case of radioactive decay chains in which any daughter nuclide has a half-life other than $n \times 10^4$ days or greater, then that of the parent nuclide, n is the parent half-life and daughter nuclide are to be included in the parent nuclide.

[illegible]

$$P(t) = \text{Total-activity-of-R}(t)$$

$$A \leftarrow i \rightarrow (R \leftarrow t \leftarrow t \leftarrow t)$$

$$W(z) = \text{total activity of } R(z)$$

$$A + i + R + 2 + +$$

$$H(n) = \text{Total Activity of } R(n)$$

→ → → → → → → → → →

$A_f(t) + R_f(t) - R_f(t)$ is the value of $A_f(t) - R_f(t)$ appropriate for the nuclide $R_f(t) - R_f(t)$.

47 When the identity of each radionuclide is known but the individual activities of some of the radionuclides are not known, the formula given in subparagraph (4) is applied to establish the values of A_{11} or A_{12} as appropriate. At the radionuclides whose individual activities are not known (that is, total activity will, however, be known) are placed in a single group and the most restrictive value of A_{11} or A_{12} applicable to any one of them is used as the value of A_{11} or A_{12} in the denominator of the fraction.

where the validity of each radionuclide is known - but the individual activity of none of the radionuclides is known - the most restrictive value of Airt or Airt applicable to any one of the radionuclides present is adopted as the applicable value.

67 When the identity of none of the nuclides is known, the value of A_{f1} is taken to be 7 (4.4 Mq) and the value of A_{f2} is taken to be 0.002 (4 Mq). However, if alpha emitters are known to

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be absent - the value of $A(2t - 1)$ is taken - to be $0 \div 4 \div 0 - 6Bq$.

(Source: Repcaled at 18 Ill. Reg. _____, effective _____)

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Section 341.TABLE A A[1] and A[2] Values for Radionuclides (Repealed)

Symbol-of Radionuclide	Element-and Atomic-Number	A[1](Gt)	A[2](Gt)	Specific Activity (Ci/g)
(227)Ac	Actinium-(89)	1000	0-000	7-2-x-10
(228)Ac		10	4	2-2-x-10(6)
(185)Ag	Silver-(47)	40	40	3-1-x-10(4)
(110)MAg		7	7	4-7-x-10(3)
(111)Ag		100	20	1-6-x-10(5)
(241)Am	Americium-(95)	0	0-000	3-2
(243)Am		0	0-000	1-9-x-10(1)
(37)Ar	Argon-(18)	1000	1000	1-0-x-10(5)
(compressed-or uncompressed)*				
(41)Ar		20	20	4-3-x-10(7)
(41)Ar		1	1	4-3-x-10(7)
(compressed)*				
(73)As	Arsenic-(33)	1000	400	2-4-x-10(4)
(74)As		20	20	1-0-x-10(5)
(76)As		10	10	1-6-x-10(6)
(77)As		300	20	1-1-x-10(6)
(211)At	Astatine-(85)	200	7	2-1-x-10(6)
(193)Au	Gold-(79)	200	200	9-3-x-10(5)
(196)Au		30	30	1-2-x-10(5)
(198)Au		40	20	2-5-x-10(5)
(199)Au		200	25	2-1-x-10(5)
(131)Ba	Barium-(56)	40	40	0-7-x-10(4)
(133)Ba		40	10	4-0-x-10(2)
(140)Ba		20	20	7-3-x-10(4)
(72)Be	Beryllium-(4)	300	300	3-5-x-10(5)
(206)Bi	Bismuth-(83)	5	5	9-9-x-10(4)
(207)Bi		10	10	2-2-x-10(2)
(210)Bi-(FAB)		100	4	1-2-x-10(5)
(212)Bi		6	6	1-5-x-10(7)
(249)Bk	Berkelium-(97)	1000	1	1-0-x-10(3)
(77)Br	Bromine-(35)	70	25	7-1-x-10(5)
(82)Br		6	6	1-1-x-10(6)
(11)C	Carbon-(6)	20	20	0-4-x-10(0)
(14)C		1000	60	4-6
(45)Ca	Calcium-(20)	1000	25	1-9-x-10(4)
(47)Ca		20	20	5-9-x-10(5)
(169)Cd	Cadmium-(48)	1000	70	2-6-x-10(3)
(115)Cd		30	30	2-6-x-10(4)

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Symbol-of Radionuclide	Element-and Atomic-Number	A[1](Gt)	A[2](Gt)	Specific Activity (Ci/g)
(115)Ce		80	20	5-1-x-10(5)
(139)Ce	Cerium-(58)	100	100	6-5-x-10(3)
(141)Ce		300	25	2-8-x-10(4)
(143)Ce		60	20	6-6-x-10(5)
(144)Ce		10	7	3-2-x-10(3)
(249)Cf	Californium-(98)	2	0-002	3-1
(250)Cf		7	0-007	1-3-x-10(2)
(252)Cf		2	0-009	6-5-x-10(2)
(252)Cf		300	10	3-2-x-10(2)
(96)Cl	Chlorine-(17)	10	10	1-3-x-10(0)
(30)Cl		200	0-2	3-3-x-10(3)
(242)Cm	Cerium-(96)	9	0-009	4-2-x-10
(244)Cm		10	0-01	0-2-x-10
(245)Cm		6	0-006	1-0-x-10(1)
(246)Cm		6	0-006	3-6-x-10(1)
(56)Co		5	5	3-0-x-10(4)
(57)Co		90	90	8-5-x-10(3)
(58)Co		1000	1000	5-9-x-10(6)
(60)Co		20	20	3-1-x-10(4)
(51)Cr		7	7	1-1-x-10(3)
(249)Cs	Chromium-(24)	600	600	9-2-x-10(4)
(55)Cs	Cesium-(55)	40	40	7-6-x-10(5)
(131)Cs		1000	1000	1-0-x-10(5)
(134)Cs		1000	10	7-4-x-10(6)
(134)Cs		10	10	1-2-x-10(3)
(135)Cs		1000	25	0-8-x-10(4)
(137)Cs		7	7	7-4-x-10(4)
(67)Cu	Copper-(29)	30	10	9-0-x-10
(67)Cu		80	25	3-0-x-10(6)
(166)Dy	Dysprosium-(66)	300	25	7-9-x-10(5)
(166)Dy		100	20	0-2-x-10(6)
(169)Er	Erbium-(68)	1000	200	2-3-x-10(5)
(171)Er		1000	25	0-2-x-10(4)
(152)Eu	Europium-(63)	50	20	2-4-x-10(6)
(152)Eu		30	30	2-2-x-10(6)
(154)Eu		20	10	1-9-x-10(2)
(155)Eu		10	5	1-5-x-10(3)
(157)Eu		400	60	1-4-x-10(3)
(52)Fe	Europium-(9)	20	20	9-3-x-10(7)
(55)Fe	Iron-(26)	5	5	7-3-x-10(6)
(59)Fe		1000	1000	2-2-x-10(3)
(67)Ga	Gallium-(31)	10	10	4-9-x-10(4)
(67)Ga		100	100	6-0-x-10(5)

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Symbol-of Radionuclide	Element-and Atomic-Number	A(1)(c)+ A(2)(c)+	Specific Activity (Ci/g)
(238)Pu	Plutonium-(94)	3	0.003
(239)Pu		2	0.002
(240)Pu		2	0.002
(241)Pu		1000	0.1
(242)Pu		3	0.003
(243)Pu		50	0.2
	Radium-(88)		

(Source: Repealed at 18 Ill. Reg. _____, effective
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Section 341.TABLe B Relationship Between A(1) and E(max) for Beta Emitters (Repealed)

E(max)-(MeV)	A(1)-(Ci)
less-than	1000
0.5	100
0.5-less-than-1.0	100
1.0-less-than-1.5	30
1.5-less-than-2.0	10
greater-than-or equal-to	2.0

(Source: Repealed at 18 Ill. Reg. _____, effective
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Section 341. TABLE C Relationship Between A[3] and the Atomic Number of the Radionuclide (Repealed)

A3

Atomic Half-life-less Half-life-greater
Number than-1000-days to-1060-years than-1060-years

1-to-01 3-Et -05-Et 3-Et
02-and -002-Et -002-Et 3-Et
above

(Source: MAR 03 1994 at 18 Ill. Reg. effective)

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Section 341. TABLE D Activity-Mass Relationships for Uranium/Thorium (Repealed)

Thorium and
Uranium-Enrichment*

wt-% (235)U-present

Et/g

g/Et

0-45 5-0-x-10(-7) 2-0-x-10(-6)
0-72-(natural) 7-06-x-10(-7) 1-42-x-10(-6)
1-0 7-0-x-10(-7) 1-3-x-10(-6)
1-5 1-0-x-10(-6) 1-0-x-10(-6)
5-0 2-7-x-10(-6) 3-7-x-10(-5)
10-0 4-0-x-10(-6) 2-1-x-10(-5)
20-0 1-0-x-10(-5) 1-0-x-10(-5)
35-0 2-0-x-10(-5) 5-0-x-10(-4)
50-0 2-5-x-10(-5) 4-0-x-10(-4)
90-0 5-0-x-10(-5) 1-3-x-10(-4)
93-0 7-0-x-10(-5) 1-4-x-10(-4)
95-0 9-1-x-10(-5) 1-4-x-10(-4)
Natural Thorium 2-2-x-10(-7) 4-6-x-10(-6)

*The figures for uranium include representative values for the activity of the uranium-234 which is concentrated during the enrichment process. The activity for thorium includes the equilibrium concentration of thorium-234.

(Source: Repealed at 18 Ill. Reg. effective
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1) The Heading of the Part: HEARINGS PURSUANT TO SPECIFIC RULES

2) The Code Citation: 35 Ill. Adm. Code 106

3) Section Number: Adopted Action:

106.910 New Section
106.911 New Section
106.912 New Section
106.913 New Section
106.914 New Section
106.915 New Section
106.916 New Section
106.920 New Section
106.921 New Section
106.922 New Section
106.923 New Section
106.924 New Section
106.925 New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027, 1028, and 1028.5 [415 ILCS 5/10, 27, 28, and 28.5].

5) Effective Date of Rule(s) (Amendments, Repealer): **MAR 08 1994**

6) Does this rulemaking contain an automatic repeal date?:

No

If so, please specify date: _____

7) Does this rule (amendment, repealer) contain incorporation by reference? No

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No approval from JCAR was necessary as all the incorporation are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: March 3, 1994

9) Notice(s) of Proposal Published in Illinois Register: 17 Ill. Reg. 16355, October 8, 1993

10) Has JCAR issued a Statement of Objections to this (these)

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Rule(s)? If answer is "yes," please complete the following:
No

A) Statement of Objection: _____, Ill. Reg. _____

B) Agency Response: _____, Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: Section 106.915 was amended to make clear the timeframes for Board and Agency action when USEPA either objects or does not respond to determinations. Indent levels were adjusted as requested by the Administrative Code Division.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
106.930	new	18 Ill. Reg. 959 January 28, 1994
106.931	new	18 Ill. Reg. 959 January 28, 1994
106.932	new	18 Ill. Reg. 959 January 28, 1994
106.933	new	18 Ill. Reg. 959 January 28, 1994
106.934	new	18 Ill. Reg. 959 January 28, 1994

15) Summary and Purpose of Rule(s): These amendments are being proposed to provide consistency with permit reopening and maximum achievable control technology provisions of the new Clean Air Act Permit Program ("CAAPP") legislation enacted at Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1039.5, as amended by P.A. 87-1213 (1992) and as amended by P.A. 88-464 (1993), [415 ILCS 5/39.5], pursuant to Title V of the Clean Air Act as amended in 1990 (42 U.S.C. 7401, et seq.) ("CAA").

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The amendments specifically set forth the procedures to be followed when appealing determinations of the Illinois Environmental Protection Agency regarding revocation and reopening of clean air act permits as well as maximum achievable control technology (MACT) determinations to the Pollution Control Board. The amendments set forth the specific information and timing of such appeals as well as procedures for hearings on the appeals. A more detailed description is contained in the Board's opinion in R93-24 of March 3, 1994, which Opinion is available from the address below.

- 16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 106

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SUBPART H: REVOCATION AND REOPENING OF CLEAN AIR ACT PERMIT
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SUBPART I: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY DETERMINATIONS

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Appendix A: Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 14.2(c), 22.4, 27, 28, and 28.1, 28.5 and 39.5 and authorized by Sections 26 and 39.5 of the Environmental Protection Act (Ill. Rev. Stat. 19871991, ch. 111½, pars. 1005, 1014.2(c), 1022.4, 1027, 1028, 1028.1, 1028.5, 1039.5 and 1026) (P.A. 87-1213, effective September 26, 1992, and P.A. 88-464, effective August 28, 1993) [415 ILCS 5/5, 14.2(c), 22.4, 27, 28, 28.1, 28.5, 39.5 and 26].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, page 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992,

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effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-24 at 18 Ill. Reg. _____, effective MAR 08 1994.

NOTE: Capitalization denotes statutory language.

SUBPART H: REVOCATION AND REOPENING OF CLEAN AIR ACT PERMIT
PROGRAM (CAAPP) PERMITS

Section 106.910 Applicability

The provisions of this Subpart shall apply to:

- a) Any revocation proceeding initiated by the Agency when it determines that there are grounds to revoke and reissue a CAAPP permit for cause, pursuant to Section 39.5(15)(b) of the Environmental Protection Act (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/39.5(15)(b)] ("Act"); and
- b) Any reopening proceeding initiated by USEPA when USEPA determines that there are grounds to terminate or revoke and reissue a CAAPP permit for cause, pursuant to Section 39.5(16) of the Act.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective MAR 08 1994.)

Section 106.911 Definitions

The definitions of 35 Ill. Adm. Code 101.101 and Section 39.5 of the Act shall apply to this Subpart.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective MAR 08 1994.)

Section 106.912 Petition

- a) Agency Revocation Proceeding

- 1) A revocation proceeding shall be commenced by the Agency by its serving a petition for revocation upon the respondent and filing 10 copies with the Clerk of the Board.

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- 2) The petition shall include the permit record and the grounds for the revocation of the CAAPP permit.

b) USEPA Reopening Proceeding

- 1) If the Agency receives from USEPA a notice to terminate or revoke and reissue a CAAPP permit for cause, the Agency shall, within 30 days after receipt of USEPA's notice, serve a petition upon the respondent and file 10 copies with the Clerk of the Board.

- 2) The petition shall include USEPA's objection, the permit record, the Agency's proposed determination and the justification for the proposed determination.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective MAR 08 1994.)

Section 106.913 Response and Reply

- a) The respondent may file a response to the Agency's petition within 21 days after service of the petition.
- b) The Agency may file a reply within 21 days after filing of any response.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective MAR 08 1994.)

Section 106.914 Notice and Hearing

- a) The Clerk shall give notice of the petition and hearing in accordance with Part 103. The proceeding shall be conducted in accordance with Part 103.
- b) In a hearing, the burden of proof shall be on the Agency.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective MAR 08 1994.)

Section 106.915 Opinion and Order

- a) Agency Revocation Proceeding

- 1) The Board shall issue a written opinion and order

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within 120 days after the filing of the petition that sets forth the Board's decision and supporting rationale.

- 2) If the Board determines that the permit should be revoked and reissued, its final order shall direct the Agency to revoke and reissue the CAAPP permit consistent with Section 39.5 of the Act.

b) USEPA Reopening Proceeding

- 1) AFTER DUE CONSIDERATION OF THE WRITTEN AND ORAL STATEMENTS, THE TESTIMONY AND ARGUMENTS THAT SHALL BE SUBMITTED AT HEARING, THE BOARD SHALL ISSUE AND ENTER AN INTERIM ORDER FOR THE PROPOSED DETERMINATION WITHIN 120 days after the filing of the petition, WHICH SHALL SET FORTH ALL CHANGES, IF ANY, REQUIRED IN THE AGENCY'S PROPOSED DETERMINATION. THE INTERIM ORDER SHALL COMPLY WITH THE REQUIREMENTS FOR FINAL ORDERS AS SET FORTH IN SECTION 33 OF THE ACT. ISSUANCE OF AN INTERIM ORDER BY THE BOARD UNDER THIS subsection (b), HOWEVER, SHALL NOT AFFECT THE PERMIT STATUS AND DOES NOT CONSTITUTE A FINAL ACTION FOR PURPOSES OF THE ACT OR THE ADMINISTRATIVE REVIEW LAW. (Section 39.5(16)(b)(ii) of the Act; see P.A. 88-464, effective August 20, 1993.)

- 2) THE BOARD SHALL CAUSE A COPY OF ITS INTERIM ORDER TO BE SERVED UPON ALL PARTIES TO THE PROCEEDING AS WELL AS UPON USEPA. THE AGENCY SHALL SUBMIT THE PROPOSED DETERMINATION TO USEPA IN ACCORDANCE WITH THE BOARD'S INTERIM ORDER WITHIN 180 DAYS AFTER RECEIPT OF THE NOTIFICATION FROM USEPA. (Section 39.5(16)(b)(iii) of the Act; see P.A. 88-464, effective August 20, 1993.)

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective
MAR 08 1994)

Section 106.916 USEPA Review of Proposed Determination

- a) If USEPA does not object to the proposed determination within 90 days after receipt, THE BOARD SHALL, WITHIN 7 DAYS AFTER RECEIPT OF USEPA'S FINAL APPROVAL or within 21 days after expiration of the 90-day period, whichever is earlier, ENTER THE INTERIM ORDER AS A

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FINAL ORDER. THE FINAL ORDER MAY BE APPEALED AS PROVIDED BY TITLE XI OF THE ACT. THE AGENCY SHALL TAKE FINAL ACTION IN ACCORDANCE WITH THE BOARD'S FINAL ORDER. (Section 39.5(16)(c)(i) of the Act; see P.A. 88-464, effective August 20, 1993.)

b) USEPA objection

- 1) If USEPA objects to the proposed determination within 90 days after receipt, THE AGENCY SHALL SUBMIT USEPA'S OBJECTION AND THE AGENCY'S COMMENTS AND RECOMMENDATION ON THE OBJECTION TO THE BOARD and permittee upon receipt of the objection. Within 15 days after receipt of USEPA's objection, the Agency shall submit THE AGENCY'S COMMENTS AND RECOMMENDATION ON THE OBJECTION TO THE BOARD AND PERMITTEE. (Section 39.5(16)(c)(ii) of the Act; see P.A. 88-464, effective August 20, 1993.)
- 2) THE BOARD SHALL REVIEW ITS INTERIM ORDER IN RESPONSE TO USEPA'S OBJECTION AND THE AGENCY'S COMMENTS AND RECOMMENDATION AND ISSUE A FINAL ORDER IN ACCORDANCE WITH SECTIONS 32 AND 33 OF THE ACT within 60 days after receipt of the Agency's comments and recommendation on USEPA's objection. THE AGENCY SHALL, WITHIN 90 DAYS AFTER RECEIPT OF SUCH OBJECTION, RESPOND TO USEPA'S OBJECTION IN ACCORDANCE WITH THE BOARD'S FINAL ORDER. (Section 39.5(16)(c)(ii) of the Act; see P.A. 88-464, effective August 20, 1993.)

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective
MAR 08 1994)

SUBPART I: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY DETERMINATIONS

Section 106.920 Applicability

The provisions of this Subpart shall apply to any proceeding initiated by an owner or operator of a CAAPP source pursuant to Section 39.5(19)(a) or (e) of the Environmental Protection Act (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/39.5(19)(a) and (e)] ("Act") when the Agency has refused to include the emission limitation for a case-by-case maximum achievable control technology ("MACT") determination proposed by the owner or operator of the CAAPP source in the source's CAAPP application.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective

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Section 106.921 Definitions

The definitions of 35 Ill. Adm. Code 101.101 and Section 39.5 of the Act shall apply to this Subpart.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective
MAR 08 1994)

Section 106.922 Petition

a) A proceeding brought under this Subpart shall be commenced by the owner or operator of a CAAPP source by serving a petition upon the Agency and filing 10 copies with the Clerk of the Board.

b) A petition filed pursuant to Sections 39.5(19)(a) and (s) of the Act shall include a detailed description of and justification for the emission limitation that is being proposed for the source and an explanation of how such emission limitation provides for the level of control required under Section 112 of the Clean Air Act (42 U.S.C. 7412).

c) A petition filed pursuant to Section 39.5(19)(a) of the Act shall also request that the Board establish whether the emission limitation proposed by the owner or operator of the CAAPP source provides for the emission limitation equivalent to the emission limitation that would apply to the source if USEPA had promulgated the applicable emission standard pursuant to Section 112(d) of the Clean Air Act (42 U.S.C. 7412(d)) in a timely manner.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective
MAR 08 1994)

Section 106.923 Response and Reply

a) The Agency may file a response to the petition of the owner or operator within 21 days after service of the petition.

b) The owner or operator may file a reply within 21 days after the filing of any response.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective
MAR 08 1994)

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Section 106.924 Notice and Hearing

a) The Clerk of the Board shall give notice of the petition and any hearing in accordance with Part 103. The proceeding shall be conducted in accordance with Part 103.

b) The burden of proof in such proceedings shall be on the petitioner.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective
MAR 08 1994)

Section 106.925 Opinion and Order

a) The Board shall issue a written opinion and order within 120 days after the filing of the petition that sets forth the Board's decision and supporting rationale.

b) The Board shall determine whether the emission limitation proposed by the owner or operator of the CAAPP source or an alternative emission limitation proposed by the Agency provides for the level of control required under Section 112 of the Clean Air Act (42 U.S.C. 7412), or shall otherwise establish an appropriate emission limitation pursuant to Section 112 of the Clean Air Act.

(Source: Added in R93-24 at 18 Ill. Reg. _____, effective
MAR 08 1994)

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- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Numbers: 219.586
Adopted Action: Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, 1010 and 1027. [415 ILCS 5/10 and 27.]
- 5) Effective Date of Rule: **MAR 03 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Board's Principal Office: February 17, 1994
- 9) Notice of Proposal Published in Illinois Register: November 29, 1993 17 Ill. Reg. 20203
- 10) Has JCAR issued a Statement of Objections to these rules?
No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
No agreement letter was issued.
- 13) Will this Rule replace an emergency Rule currently in effect? No. However an emergency rule was previously in effect pertaining to this Section 17 Ill. Reg. 8295 (6/4/93) expired October 25, 1993.
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment:

This action accomplishes the repeal of the Stage II Gasoline Vapor Recovery Rules (also known as Phase II vapor recovery rules) for the Metro East area, consisting of Madison, Monroe, and St. Clair Counties in Illinois. Stage II vapor recovery rules require station owners to install devices to

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recapture any escaping gasoline vapors during refueling. The federal Clean Air Act Amendments of 1990, along with the State's Stage II vapor recovery law, allow exemption from use of Stage II vapor recovery devices once the USEPA adopts rules providing for "on-board" vapor recovery devices for moderate non-attainment areas such as the Metro East area in Illinois. On January 24, 1994 USEPA adopted rules providing for use of "on-board" vapor recovery devices (OBVR). OBVR devices are built into a vehicle rather than into the fuel pump. Since the use of OBVR devices will achieve the same goal as use of Stage II vapor recovery devices in the Metro East moderate non-attainment area, the Board is repealing the requirement that Stage II vapor recovery devices be used in the Metro East area.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Michelle C. Dresdow
Illinois Pollution Control Board
P.O. Box 505
DeKalb, IL 60115
(815) 753-0947

or

John Cross
Illinois Pollution Control Board
600 S. Second St., Suite 402
Springfield IL 62704

Please refer to Docket R93-28 when making inquiries.

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- 1) The Heading of the Part: PERMITS
- 2) The Code Citation: 35 Ill. Adm. Code 105
- 3) Section Number: Adopted Action:
105.102 Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027, 1028, and 1028.5 [415 ILCS 5/10, 27, 28, and 28.5].
- 5) Effective Date of Rule(s) (Amendments, Repealer): **MAR 08 1994**
- 6) Does this rulemaking contain an automatic repeal date?:
No
- 7) Does this rule (amendment, repealer) contain incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: March 3, 1994
- 9) Notice(s) of Proposal Published in Illinois Register: 17 Ill. Reg. 16366, October 8, 1993
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following:
No
- 11) Difference(s) between proposal and final version:
Section 105.102(c)(7) was deleted and the remainder of the Section was renumbered.
Indent levels were modified in response to comments from the Code Division
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

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- 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Rule(s): These amendments will provide consistency with judicial review provisions of the new Clean Air Act Permit Program ("CAAPP") legislation enacted at Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1039.5, as amended by P.A. 87-1213 (1992) and as amended by P.A. 88-464 (1993), [415 ILCS 5/39.5], pursuant to Title V of the Clean Air Act as amended in 1990 (42 U.S.C. 7401, et seq.) ("CAA").
- The amendments specifically set forth the procedures to be followed when appealing determinations of the Illinois Environmental Protection Agency regarding clean air act permits to the Pollution Control Board. The amendments set forth the specific information and timing of such appeals as well as procedures for hearings on the permits. A more detailed description is contained in the Board's opinion in R93-24 of March 3, 1994, which Opinion is available from the address below.

- 16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE A: GENERAL PROVISIONS
 CHAPTER I: POLLUTION CONTROL BOARD

PART 105
PERMITS

Section
 105.101 Setting Standards
 105.102 Permit Appeals
 105.103 Permit Review
 105.104 Cost of Review

APPENDIX A Old Rule Numbers Referenced

AUTHORITY: Authorized by Sections 26 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1026) [415 ILCS 5/26] and implementing Sections 5, 39, 39.5 40, 40.1 and 40.2 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1039, 1040, 1040.1 and 1040.2) (P.A. 87-1213, effective September 26, 1992, and P.A. 88-464, effective August 20, 1993) [415 ILCS 5/5, 39, 39.5, 40, 40.1, and 40.2].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 52, p. 41, effective December 11, 1980; codified at 6 Ill. Reg. 8357; amended at 18 Ill. Reg. _____, effective MAR 08 1994.

Section 105.102 Permit Appeals

a) Permit Appeals-Other appeals other than NPDES (National Pollutant Discharge Elimination System) and CAAPP (Clean Air Act Permit Program) Permit Appeal Appeals appeals:

- 1) If the Agency denies the permit, it shall advise the permit applicant in writing in accordance with the requirements of Section 39(a) of the Environmental Protection Act (Act).
- 2) In the case of a denial of a permit or issuance by the Agency of a permit with one or more conditions or limitations to which an applicant objects, an applicant who seeks to appeal the Agency decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the Agency's final decision. The petition shall include:
 - A) Citation of the particular standards under which a permit is sought;
 - B) A complete and precise description of the facility, equipment, vehicle, vessel, or aircraft for which a permit is sought, including its location;
 - C) A complete description of contaminant emissions and of proposed methods for their control; and
 - D) Such other materials as may be necessary to demonstrate that the activity for which the permit is sought will not cause a violation of the Act or the regulations.

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- 3) The method of filing service shall be in accordance with Sections 103.122 and 103.123.
- 4) The Agency shall appear as respondent in the hearing and shall, within 14 days, upon notice of the petition, file with the Board the entire Agency record of the permit application, including:
 - A) The application;
 - B) Correspondence with the applicant; and
 - C) The denial.

5) The Clerk shall give notice of the petition and hearing in accordance with Part 103.

- 6) The proceedings shall be in accordance with the rules set forth in Part 103.

b) NPDES Permit Appeals:

- 1) If the Agency denies an NPDES Permit, it shall advise the permit applicant in writing in accordance with the requirements of section 39(a) of the Act.
- 2) In the case of the denial of an NPDES Permit or the issuance by the Agency of an NPDES Permit with one or more conditions or limitations to which the applicant objects, the applicant may contest the decision of the Agency by filing with the Clerk of the Board a petition for review of the Agency's action in accordance with this Section.
- 3) Any person other than the applicant who has been a party to or participant at an Agency hearing with respect to the issuance or denial of an NPDES Permit by the Agency, or any person who requested such a hearing in accordance with applicable rules, may contest the final decision of the Agency by filing with the Clerk a petition for review of the Agency's action.
- 4) The petition shall be filed and notice issued within 30 days from the date the Agency's final decision has been mailed to the applicant and all other persons who have right of appeal. The method of filing and service shall be in accordance with sections 103.122 and 103.123.
- 5) The Agency shall appear as respondent and shall file an answer consisting of the hearing file of any hearing which may have been held before the Agency, including any exhibits, and the following documents: NPDES Permit application, NPDES Permit denial or issuance letter, and all correspondence with the applicant concerning the application.
- 6) All parties other than the petitioner who were parties to or participants at any Agency hearing shall be made respondents.
- 7) The petition shall contain a statement of the decision or part thereof to be reviewed. The Board upon motion of any respondent shall, or upon its own motion may, require of the petitioner a specification of the errors upon which the petitioner relies in his petition.
- 8) The hearings before the Board shall extend to all questions of law and fact presented by the entire record. The Agency's findings and conclusions on questions of fact shall be prima

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facie true and correct. If the Agency's conclusions of fact are disputed by the party or if issues of fact are raised in the review proceeding, the Board may make its own determination of fact based on the record. If any party desires to introduce evidence before the Board with respect to any disputed issue of fact, the Board shall conduct a de novo hearing and receive evidence with respect to such issue of fact.

9) This proceeding shall be in accordance with Part 103.

10) The order of the Board entered pursuant to hearing may affirm or reverse the decision of the Agency, in whole or in part, may remand the proceeding to the Agency for the taking of further evidence, or may direct the issuance of the permit in such form as it deems just, based upon the law and the evidence.

c) CAAPP Permit Appeals:

1) The definitions of 35 Ill. Adm. Code 101.101 and Section 39.5 of the Environmental Protection Act (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/39.5] ("Act") shall apply to this subsection.

2) If the Agency denies a CAAPP permit, permit modification or permit renewal, it shall provide to USEPA, the permit applicant and, upon request, affected states, any person who participated in the public comment process and any other person who could obtain judicial review under Sections 40.2 and 41 of the Act a copy of each notification of denial pertaining to the permit applicant.

3) In the case of a denial of a CAAPP permit, including a permit revision or permit renewal, or a determination of incompleteness by the Agency regarding a submitted CAAPP application, or the issuance by the Agency of a CAAPP permit with one or more conditions or limitations, or the failure of the Agency to act on an application for a CAAPP permit, permit renewal, administrative permit amendment or significant permit modification within the time frames specified in Section 39.5(5)(j) or (13) of the Act, as applicable, or the failure of the Agency to take final action within 90 days after receipt of an application requesting minor permit modification proceedings (or 180 days for modifications subject to group processing requirements) pursuant to Section 39.5(14) of the Act, to which the applicant, any person who participated in the public comment process pursuant to Section 39.5(8) of the Act, or any other person who could obtain judicial review pursuant to Section 41(a) of the Act objects, such persons may contest the decision of the Agency by filing with the Clerk of the Board a petition for review of the Agency's action in accordance with this Section.

4) For purposes of this subsection, a person who participated in the public comment process is someone who, during the public comment period, either commented on the draft permit, submitted written comments or requested notice of the final action on a specific permit application.

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5) The petition filed pursuant to subsection (c)(3) above shall be filed within 35 days after the Agency's final permit action. Notwithstanding the above, if the petition is based solely on grounds arising after the 35-day period expires, the petition may be filed within 35 days after the new grounds for review arise. If the applicant is challenging the Agency's failure to timely take final action pursuant to Section 39.5 of the Act, the petition shall be filed before the Agency takes such final action. Under no circumstances, however, may a petition challenging the final permit action on a Phase II acid rain permit be filed more than 90 days subsequent to such final permit action.

6) The petition shall include:

A) A concise description of the CAAPP source for which the permit is sought;

B) A statement of the Agency's decision or part thereof to be reviewed;

C) A justification as to why the Agency's decision or part thereof was in error; and

D) Such other materials upon which the petitioner relies in its petition.

7) The Agency shall appear as respondent at the hearing and shall file, within 30 days after service of the petition, an answer consisting of the entire Agency record of the CAAPP application including the CAAPP permit application, the hearing record, the CAAPP permit denial or issuance letter and correspondence with the applicant concerning the CAAPP permit application.

8) The Clerk shall give notice of the petition and hearing in accordance with Part 103.

9) The proceeding shall be conducted in accordance with Part 103. The Agency shall notify USEPA, in writing, of any petition brought under this subsection involving a provision or denial of a Phase II acid rain permit within 30 days after the filing of the petition. USEPA may intervene as a matter of right in any such hearing. The Agency shall notify USEPA, in writing, of any determination or order in a hearing brought under this subsection that interprets, voids, or otherwise relates to any portion of a Phase II acid rain permit. [Section 40.2(e) of the Act (P.A. 88-464, effective August 20, 1983)]

(Source: MAR 08 1994 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
 140.420 Amendment
 140.421 Amendment
 140.469 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/Art. 12-13]
- 5) Effective Date of Amendments: March 4, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 4, 1994

9) Notice of Proposal Published in Illinois Register:

Sections 140.420 and 140.421

September 24, 1993 (17 Ill. Reg. 15444)

Section 140.469

November 5, 1993 (17 Ill. Reg. 19012)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version:

Sections 140.420 and 140.421

The following changes have been made in the proposed amendments.

Section 140.421(a)(7) has been revised to read:

- 7) Orthodontics (will not be approved for an adult, as defined in Section 140.420(c)(2)). Medically necessary orthodontic treatment is approved for children. The Department's consultant shall make the initial decision whether or not to approve orthodontic treatment. Medically necessary orthodontic treatment is defined as:

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- A) treatment necessary to correct a condition which scores 42 points or more on the Salzmann Index, or
- B) treatment necessary to correct a condition that constitutes a handicapping malocclusion. A malocclusion is handicapping if there is an impairment of or a hazard to the ability to eat, chew, speak or breathe that is related to the malocclusion.

Section 140.469

No changes have been made in the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.3	Amendment	October 29, 1993 (17 Ill. Reg. 18768)
140.643	Amendment	October 29, 1993 (17 Ill. Reg. 18768)
140.645	Amendment	October 29, 1993 (17 Ill. Reg. 18768)

15) Summary and Purpose of Amendments:

Sections 140.420 and 140.421

These amendments provide clarifications regarding services under the dental program. A minor change in Section 140.420 specifies that services which are not eligible for payment are detailed in subsection (c). More substantive changes have been made in Section 140.421 to fully describe orthodontic treatment which constitutes a covered service. These changes are necessary to eliminate confusion and resolve payment issues which have arisen.

The amendments specify that medically necessary orthodontic treatment is approved for children to correct a condition which scores 42 points or more on the Salzmann Index, or to correct a handicapping malocclusion that impairs an individual's ability to eat, chew, speak or breathe.

Section 140.469

These amendments respond to recommendations of an implementation audit regarding the Department's coverage for hospice services, which was conducted by the Health Care Financing Administration's regional office. The amendments provide clarification of the meaning of the term "therapy"

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as currently used in Section 140.469, to include occupational, physical and speech-language therapy, and counseling services. Implementation of these proposed amendments will not result in changes in coverage or expenditures under the hospice program.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

Full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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Incorporation By Reference
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Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
Covered Medical Services Under GA
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
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Participation Requirements for Medical Providers
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Recovery of Money
Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7, and 5/12-13]

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 10151, effective September 18, 1984; amended at 8 Ill. Reg. 21629,

effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18896, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988;

emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11536, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective May 5, 1990,

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for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 16, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17

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Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. _____, effective February 28, 1994; amended at 18 Ill. Reg. _____, effective March 4, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.420 Dental Services

a) Payment for dental services shall be made only to licensed dentists. Payment for comprehensive orthodontic care shall be made only to a dentist licensed for provision of such services.

b) Except for the "services not covered" specified in subsection (c) below, payment shall be made for dental services that are:

- 1) Necessary to relieve pain or infection. preserve teeth, or restore adequate dental function.
 - 2) Diagnostic, preventive, or restorative services, endodontics, prosthodontics, orthodontics or oral surgery included in the Department's Schedule of Dental Procedures (see Table D at the end of this Part);
 - 3) Performed by the dentist or under the direct supervision of the dentist.
- c) Services for which payment shall not be made include:
- 1) Routine or periodic examination other than:
 - A) Initial examinations;
 - B) Required school examinations;

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Section 140.420(c)(1) (continued)

- C) Periodic examinations for children with minimum of 12 months having elapsed since initial or previous periodic examination;
- 2) Partial dentures, bridges, pontics for adults (persons over age 20);
- 3) Orthodontics, posterior endodontics, apexification (a procedure to close an open end of a root) and periodontics for adults;
- 4) Experimental dental care;
- 5) Procedures performed only for cosmetic reasons;
- 6) Acrylic crown;
- 7) Fluoride for adults;
- 8) Space maintainers for adults;
- 9) Alveoloplasty (surgical preparation of gum ridge for dentures) and frenulectomy (cutting through soft tissue impeding tongue movement) for adults.

(Source: Amended at 18 Ill. Reg. ____, effective March 4, 1994)

Section 140.421 Limitations on Dental Services

a) Prior approval is required for:

- 1) Space maintainers (will not be approved if for an adult, as defined in Section 140.420(c)(2));
- 2) Crowns;
- 3) Endodontics;
- 4) Periodontics;
- 5) Dentures;
- 6) Bridgework;
- 7) Orthodontics (will not be approved for an adult, as defined in Section 140.420(c)(2)). Medically necessary orthodontic

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Section 140.421(a)(7) (continued)

treatment is approved for children. The Department's consultant shall make the initial decision whether or not to approve orthodontic treatment. Medically necessary orthodontic treatment is defined as: (to be approved, the procedure must be to treat a severe handicapping malocclusion or a handicapping dento-facial deformity)

- A) treatment necessary to correct a condition which scores 42 points or more on the Salzmann Index, or
- B) treatment necessary to correct a condition that constitutes a handicapping malocclusion. A malocclusion is handicapping if there is an impairment of or a hazard to the ability to eat, chew, speak or breathe that is related to the malocclusion.

8) Extraction of impacted teeth;

9) Alveoloplasty (will not be approved if for an adult, as defined in Section 140.420(c)(2));

10) Cyst excisions;

11) Frenulectomy (will not be approved if for an adult, as defined in Section 140.420(c)(2));

12) Analgesia (nitrous oxide);

13) Dental services not included in the Department's Schedule of Dental Procedures (See Table D at the end of this Part).

- b) The dentist may request post-approval when a dental procedure requiring prior approval is provided on an emergency basis. Approval of the procedures shall be given if, in the judgment of a consulting dentist of the Department or a consulting dental service, the procedure is necessary to prevent dental disease or to restore and maintain adequate dental function to assure good bodily health and the well-being of the patient.

- c) Payment for complete and partial dentures is limited to one set every five years if necessary to replace lost, broken or unusable dentures; payment for a bridge is limited to once in five years. Bridgework will be reimbursed only if there has not been placement of a partial denture within the prior five years.

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Section 140.421 (continued)

d) Root canals, apexification, and apicoectomy procedures are covered for children for anterior teeth, bicuspids, and permanent first molars. Root canals are covered for adults only for anterior teeth.

e) Full Mouth series of x-rays are covered only once every three years.
(Source: Amended at 18 Ill. Reg. _____, effective March 4, 1994)

Section 140.469 Hospice

a) Hospice is a continuum of palliative and supportive care, directed and coordinated by a team of professionals and volunteer workers who provide care to terminally ill persons to:

- 1) reduce or abate pain or other symptoms of mental or physical distress, and
- 2) meet the special needs arising out of the stresses of terminal illness, dying or bereavement.

b) Hospice care is a covered service for all eligible clients, including residents of intermediate and skilled care facilities, when provided by a Medicare certified hospice provider and in accordance with provisions contained in 42 CFR 418.1 through 418.405.

c) Covered services include:

- 1) Nursing care.
- 2) Physician services.
- 3) Medical social services.
- 4) Short term inpatient care.
- 5) Medical appliances, supplies and drugs.
- 6) Home health aide services.
- 7) Therapy Occupational, physical and speech-language therapy
pathology services to control symptoms, and
- 8) Counseling services.

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Section 140.469 (continued)

d) Reimbursement shall be at the established Medicare rate for the specific level of care into which each day of care is classified. The four levels of care are:

- 1) Routine Home Care. The hospice will be paid the routine home care rate for each day the patient is at home, under the care of the hospice, and not receiving continuous home care. This rate is paid without regard to the volume or intensity of routine home care services provided on any given day.
 - 2) Continuous Home Care. The continuous home care rate will be paid when continuous home care is provided. The continuous home care rate is divided by 24 hours in order to arrive at an hourly rate. A minimum of eight (8) hours must be provided. For every hour or part of an hour of continuous care furnished, the hourly rate will be reimbursed to the hospice up to 24 hours a day.
 - 3) Inpatient Respite Care. The inpatient rate will be paid each day on which the beneficiary is in the approved inpatient facility and is receiving respite care. Payment for respite care may be made for a maximum of five (5) days at a time, including the date of admission, but not counting the date of discharge. Payment for the sixth day and any subsequent days is to be made at the routine home care rate.
 - 4) General Inpatient Care. The inpatient rate will be paid when general inpatient care is provided. None of the other fixed payment rates (i.e., routine home care) will be applicable for a day on which the patient receives hospice inpatient care except for the day of discharge from an inpatient unit. In which case, the appropriate home care rate is to be paid unless the patient dies as an inpatient.
- b) When the individual resides in an ICF or SNF facility, the Department shall provide payment of an add-on amount to the hospice on routine home care and continuous home care days. The add-on amount will constitute a portion of the facility rate the State would be responsible for as mandated by 42 CFR 418.1 - 418.205.
- c) The hospice shall receive an add-on amount for other physician services such as direct patient care when physician services are provided by an employee of the hospice or under arrangements made by the hospice unless those services are performed on a volunteer basis. These add-on amounts will be utilized when determining the hospice cap amount.

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NOTICE OF ADOPTED AMENDMENTS

Section 140.469 (continued)

- g) Medicaid payment to a hospice provider for care furnished over the period of a year shall be limited by a payment cap as set forth in 42 CFR § 418.309. Any overpayment shall be refunded by the hospice provider.

(Source: Amended at 18 Ill. Reg. ____, effective March 4, 1994)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Numbers: Adopted Action:

147.105

Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/Arts. 5/12-13]

5) Effective Date of Amendments: March 4, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 4, 1994

9) Notice of Proposal Published in Illinois Register:

October 29, 1993 (17 Ill. Reg. 18788)

- 10) Has JCARE issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.

Subsection (a) has been revised to include the words "to midnight" which had been inadvertently omitted from the end of the first sentence, and by deleting the second sentence. Subsection (a) now reads:

(a) The census recorded must reflect the complete activities which took place in the 24 hour period from midnight to midnight.

- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: These amendments provide clarifications regarding the midnight census report which nursing homes must compile on a daily basis. The census report, which reflects a facility's daily occupancy level, is necessary in determining if a bedhold

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for a temporary facility absence is payable or non-payable. The revisions indicate that the daily recorded census must reflect the complete activities which have occurred during any 24-hour period. Such activities include admissions, discharges, transfers and deaths, and an accounting of residents who are temporarily absent from the facility.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-4214

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section	
147.5	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.15	Comprehensive Resident Assessment
147.25	Functional Needs and Restorative Care
147.50	Service Needs
147.75	Definitions
147.100	Reconsiderations
147.105	Midnight Census Report
147.125	Times and Staff Levels
147.150	Statewide Rates
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203)
147.300	Determination of Program (Psychiatric Rehabilitation Services) Costs
147.305	Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Program Plan (CPP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness
147.350	Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities
147-TABLE A	Staff Time and Allocation by Need Level
147-TABLE B	Staff Time and Allocation for Restorative Programs
147-TABLE C	Comprehensive Resident Assessment
147-TABLE D	Functional Needs and Restorative Care
147-TABLE E	Service
147-TABLE F	Social Services

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147. TABLE G Therapy Services (Repealed)
 147. TABLE H Determinations
 147. TABLE I Activities
 147. TABLE J Signatures
 147. TABLE K Rehabilitation Services
 147. TABLE L Personal Information

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7 and 5/12-13]

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. _____, effective March 4, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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NOTICE OF ADOPTED AMENDMENTS

Section 147.105 Midnight Census Report

- a) The census recorded must reflect the complete activities which took place in the 24 hour period from midnight to midnight.
- b) The facility is required to compile a midnight census report daily. The information to be contained in the report includes:
 - a) Total licensed capacity.
 - b) Current number of residents in-house.
 - c) Names and disposition of residents not present in facility, i.e. therapeutic home visit, home visit, hospital (payable bedhold), hospital (non-payable bedhold), other.

(Source: Amended at 18 Ill. Reg. _____, effective March 4, 1994)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

1) The Heading of the Part:

Certified Local Health Departments Code

77 Ill. Adm. Code 600

Section Numbers:

Adopted Action:

New Section 600.100
 New Section 600.110
 New Section 600.200
 New Section 600.210
 New Section 600.300
 New Section 600.310
 New Section 600.320
 New Section 600.330
 New Section 600.400
 New Section 600.410
 New Section 600.500
 New Section 600.510

4) Statutory Authority:

Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 0.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55].

5) Effective Date of Rulemaking:

March 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

7) Does the Rulemaking Contain any Incorporation by Reference?

No

8) Date Filed in Agency's Principal Office:

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March 1, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

(17 Ill. Reg. 14806 - September 17, 1993)

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

The following definition has been added to Section 600.110: "'Healthy People 2000' means National Health Promotion and Disease Prevention Objectives, U.S. Department of Health and Human Services, Public Health Service, DHHS publication number (PHS) 91-50212. Healthy People 2000 contains a national strategy for significantly improving the health of the nation during this decade and contains measurable targets for striving toward health promotion and prevention of injuries and diseases."

In the definition of "impact objective" in Section 600.110, "time" has been changed to "length of time".

Section 600.310(a)(1), (2), and (3) has been modified to read as follows:

a) The Public Health Administrator shall possess, at a minimum, the following education and experience:

1) A master's degree in public health from a college or university accredited by the North Central Association or other regional, nationally-recognized accrediting agency and two years of full-time administrative experience in public health.

2) A graduate degree in a related field from a college or university accredited by the North Central Association or other regional, nationally-recognized accrediting agency, which may include but shall not be limited to a master's degree in public administration, nursing, environmental health, community health, or health education and two years of full-time administrative experience in public health; or

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- 3) A bachelor's degree from a college or university accredited by the North Central Association or other regional, nationally-recognized accrediting agency and four years of full-time administrative experience, of which at least two years must be in public health.

In Section 600.320(a)(3), "one year" has been changed to "two years" regarding the full-time administrative experience requirement for medical health officers.

Section 600.400(a)(1)(D) has been revised to read as follows:

Community Health needs shall be identified during the community health needs assessment process based on the analysis of data describing the health of the population and on the judgement of the community participants concerning the seriousness of the health problems and needs. The identified health needs shall be priority ranked. Prioritization shall result in the establishment of at least three priority health needs.

In addition, variously technical, editorial and grammatical changes requested by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon between the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

- 14) Are there any other Amendments Pending on this Part?

No

Section Numbers	Proposed Action	Ill. Reg. Citation
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- 15) Summary and Purpose of Rulemaking:

These rules replace the Department's repealed rules at 77 Ill. Adm. Code 600, which had set the minimum qualifications for personnel employed by local health departments. The new rules establish requirements for certification of local health departments by the Department. Local health departments currently recognized by the Department and new local health departments with jurisdictions of one county or greater are eligible for certification under these rules. The rules

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specify personnel requirements for a public health administrator or a medical health officer as the executive officer of the local health department that must be met by a certified local health department, and require that specific practice standards be completed (including an organizational self-assessment, a community needs assessment, and a community health plan that addresses at least three priority needs) as a component of certification.

- 16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER II: LOCAL HEALTH DEPARTMENTS

PART 600
CERTIFIED LOCAL HEALTH DEPARTMENT CODE

SUBPART A: GENERAL

Section
600.100 Statement of Purpose
600.110 Definitions

SUBPART B: CERTIFICATION APPLICATION REQUIREMENTS

Section
600.200 Provisional Certification
600.210 Certification

SUBPART C: PERSONNEL REQUIREMENTS

Section
600.300 Executive Officer
600.310 Public Health Administrator
600.320 Medical Health Officer
600.330 Denial of Personnel Application

SUBPART D: PRACTICE STANDARDS

Section
600.400 Public Health Practice Standards
600.410 Requirements for IPLAN or an Equivalent Planning Process

SUBPART E: DUE PROCESS

Section
600.500 Denial, Suspension or Revocation of Certification
600.510 Procedures for Hearings

AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 0-01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55].

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SOURCE: Filed April 17, 1968; emergency amendment at 5 Ill. Reg. 11091, effective October 1, 1981, for a maximum of 150 days; rules repealed, new rules adopted at 6 Ill. Reg. 2716, effective March 1, 1982; codified at 8 Ill. Reg. 18914; amended at 14 Ill. Reg. 840, effective January 1, 1990; new Part adopted by emergency rule at 17 Ill. Reg. 12918, effective July 21, 1993, for a maximum of 150 days; emergency repealer at 17 Ill. Reg. 13115, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. _____, effective March 1, 1994.

SUBPART A: GENERAL

Section 600.100 Statement of Purpose

a) This Part has been developed by the Illinois Department of Public Health, in collaboration with the Illinois Association of Public Health Administrators, the Illinois Association of Boards of Health, the Illinois Public Health Association, and the University of Illinois School of Public Health. This Part sets forth requirements for local health departments to be certified by the Department and applies to all local health departments in the state that are conducting or intend to conduct and complete such requirements.

b) The Department is committed to the mission of public health -- to fulfill society's interest in assuring conditions in which people can be healthy. Because of this commitment, the Department has the responsibility to assure that quality public health services are delivered to Illinois citizens. Where possible, it is in the best interest of Illinois citizens to have public health services delivered at the local level by a local health department. A Certified local health department is a local governmental agency that carries out the core functions of public health, assessment, policy development, and assurance, within its jurisdiction. Any local health department currently recognized by the Department will be eligible to seek certification. Performance of the core public health functions is the unique feature that distinguishes a Certified local health department from any other public health provider in a local area. The practice standards, included in this Part, are activities that demonstrate a local health department is fulfilling the core functions of public health.

c) Certification is an eligibility requirement for Local Health Protection Grants awarded by the Department. The Department will make other Department grants available to certified local health departments, and the Department will give preference to Certified local health departments for certain grants.

Section 600.110 Definitions

For the purposes of this Part, the words and phrases defined herein shall have the following meanings
"Certification" and "Certified" means certification granted to a local health department that meets

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the requirements set forth in Section 600.210 and Subparts C and D of this Part and is so designated by the Department.

"Community participation" means involvement by representatives of various community interests and groups. (Agency Note: Examples of such interests or groups are ethnic and racial groups, the medical community, mental health and social service organizations, the cooperative extension service, schools, law enforcement organizations, voluntary organizations, the clergy, the business community, economic development agencies, unions, and senior citizens.)

"Contributing factor" means a scientifically established factor that directly affects the level of a risk factor.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his designee.

"Equivalent to IPLAN" means an assessment and planning process approved by the Department which meets the requirements set forth in Section 600.410.

"Healthy People 2000" means National Health Promotion and Disease Prevention Objectives, U.S. Department of Health and Human Services, Public Health Service, DHHS publication number (PHS) 91-50212. Healthy People 2000 contains a national strategy for significantly improving the health of the nation during this decade and contains measurable targets for striving toward health promotion and prevention of injuries and diseases.

"Impact objective" means a goal for the level to which a health problem should be reduced. An impact objective is intermediate in length of time and measurable.

"Indirect contributing factor" means a community-specific factor that directly affects the level of the direct contributing factors. These factors can vary greatly from community to community.

"IPLAN" means the Illinois Project for Local Assessment of Needs, a process developed by the Department to meet the requirements set forth in Section 600.410. IPLAN is a series of planning activities conducted within the local health department jurisdiction resulting in the development of an organizational capacity assessment, a community health needs assessment, and a community health plan.

"IPLAN Data System" means a data base developed by the Department that contains the required data sets to measure community health indicators for assessment purposes.

"Legally authorized representative" means the person empowered to act on behalf of the local health department and board of health in such matters as executing contracts, signing applications, and undertaking other major administrative tasks.

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"Local health department" means a local governmental agency that administers and assures health-related programs and services within its jurisdiction.

"Mandate" or "Mandated program" means those programs and activities that are statutorily required of local health departments by a legislative body, such as a city council, county board, or the General Assembly.

"Outcome objective" means a goal for the level to which a health problem should be reduced. An outcome objective is long term and measurable.

"Proven intervention strategy" means intervention strategy demonstrated to be effective or used as a national model.

"Provisional Certification" and "Provisionally Certified" means certification granted to a local health department that meets the requirements for Provisional Certification set forth in Section 600.210 and is so designated by the Department.

"Recognized local health department" means a local health department that received Basic Health Services Grant funds or Developmental Health Department Grant funds during all or part of State Fiscal Year 1993.

"Risk factor" means a scientifically established factor (determinant) that relates directly to the level of a health problem. A health problem may have any number of risk factors identified for it.

"Substantial compliance" means meeting the requirements set forth in this Part, except for variations from the strict and literal performance of such requirements which result in insignificant omissions and defects, given the particular circumstances and the incidence and history of such omissions and defects. Omissions and defects that have an adverse impact on public health and safety shall not be considered insignificant and shall be considered substantial noncompliance.

SUBPART B: CERTIFICATION APPLICATION REQUIREMENTS

Section 600.200 Provisional Certification

a) A Recognized local health department that received Developmental Health Department Grant funds during all or part of State Fiscal Year 1993, may apply for Provisional Certification within 30 days following the effective date of this Part. Such application shall be submitted to the Department by letter, memorandum, or similar document signed by an authorized representative and shall include a written commitment to the Department to complete IPLAN or an equivalent to IPLAN by June 30, 1995.

b) A local health department that is not a Recognized local health department as defined in

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subsection (a) of this Section may make application for Provisional Certification if it serves one or more counties. Such application shall be submitted to the Department by letter, memorandum, or similar document signed by an authorized representative and shall include a written commitment to the Department to complete IPLAN or an equivalent to IPLAN within two years after Provisional Certification is granted.

c) Upon submission of a complete application, the Department shall have 60 days to review the application. Provisional Certification shall be granted by the Department to any local health department that meets subsection (a) or (b) of this Section. Provisional Certification shall expire upon Certification of the local health department or two years after the date Provisional Certification was granted, whichever is shorter. Provisional Certification may be renewed as provided in subsection (d) of this Section.

d) A local health department that has been granted Provisional Certification may apply for renewal of Provisional Certification. Such application shall be made at least 30 days prior to expiration of the Provisional Certification by submitting to the Department a letter, memorandum, or similar document signed by an authorized representative. The application shall describe activities that the local health department performed during the current term of Provisional Certification and future activities that will be undertaken during the renewal term that would be expected to result in the completion of IPLAN or an equivalent to IPLAN.

1) Renewal applications that are complete and received by the Department no later than 30 days prior to the expiration of Provisional Certification shall be considered by the Department.

2) The first renewal of Provisional Certification shall be made if the Department determines, on the basis of the application, that the applicant can be expected to complete IPLAN or an equivalent to IPLAN by conclusion of the renewal term.

3) The second renewal of Provisional Certification shall be made if the Department determines, on the basis of a written explanation submitted by the local health department, in addition to the application for renewal specified in subsection (d), that the applicant can be expected to complete IPLAN or an equivalent to IPLAN by conclusion of the second renewal term. The explanation shall include documentation of the incomplete elements of IPLAN or an equivalent to IPLAN with their expected completion dates and the reasons why the local health department did not complete IPLAN or an equivalent to IPLAN within the first renewal term.

4) A renewal of Provisional Certification granted by the Department shall not exceed 12 months.

5) No more than two renewals of Provisional Certification shall be granted to a

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local health department.

e) The Department may conduct an on-site review of the local health department and such documents necessary to determine substantial compliance with this Section.

Section 600.210 Certification

a) Certification for the period between July 1, 1993, and December 31, 1994.

1) A Recognized local health department that is deemed by the Department to meet the requirements of Subpart C and, which, within 30 days following the effective date of this Part, has made a written commitment to the Department to complete IPLAN or an equivalent to IPLAN by June 30, 1994, shall receive Certification from the Department. The written commitment shall be signed by an authorized representative.

2) Such initial Certification granted to recognized local health departments shall expire on or before December 31, 1994.

b) A Provisionally Certified local health department may apply for Certification after the effective date of this Part. A local health department that was not a recognized local health department as defined in Section 600.110 on June 30, 1993, may apply for Certification if it serves one or more counties and submits an application to the Department after the effective date of this Part. Such application shall be submitted to the Department on forms or in a format provided or prescribed by the Department and shall include a community health needs assessment and a community health plan in accordance with Subpart D of this Part. The application shall be signed by an authorized representative. Upon submission of a complete application, the Department shall have 60 days to review the application to determine if the applicant meets the personnel requirements set forth in Subpart C of this Part and the practice standards set forth in Subpart D of this Part. If the Department determines that the applicant is in substantial compliance with Subparts C and D of this Part, Certification shall be granted by the Department. If the Department determines that the applicant is not in substantial compliance with Subparts C and D of this Part, Certification shall be denied and the local health department shall be notified in writing of the denial of Certification. Such notification shall specify the reasons for denial of Certification and shall describe the right of the applicant to request a hearing to appeal the denial of Certification, pursuant to Section 600.510. Certification granted to local health departments that apply pursuant to this subsection shall expire five years following the date of Certification.

c) A Certified local health department may apply for renewal of Certification. Such an application shall be made at least 60 days prior to the expiration of the Certification period. An application shall be submitted to the Department on forms or in a format provided or prescribed by the Department and shall include a community health needs

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assessment and a community health plan in accordance with Subpart D of this Part. The application shall be signed by an authorized representative. Upon completion of a complete application, the Department shall have 60 days to review the application to determine if the applicant is in substantial compliance with the personnel requirements set forth in Subpart C of this Part and the practice standards set forth in Subpart D of this Part. If the Department determines that the applicant is in substantial compliance with Subparts C and D of this Part, Certification shall be renewed by the Department for a five-year period. If the Department determines that the applicant is not in substantial compliance with Subparts C and D of this Part, renewal of Certification shall be denied and the local health department shall be notified in writing of the denial of Certification. Such notification shall specify the reasons for denial of Certification and shall describe the right of the applicant to request a hearing to appeal the denial of Certification renewal, pursuant to Section 600.510.

d) A Certified local health department that at any time during the period for which the local health department has been granted Certification does not meet all applicable requirements for such Certification due to conditions or circumstances beyond the reasonable control of the local health department may make a written request to the Department for a waiver of the requirements set forth in Subparts C and D of this Part.

1) Conditions or circumstances beyond the reasonable control of the local health department shall include but not be limited to:

- A) Unanticipated or unavoidable lack of qualified personnel necessary to fulfill applicable requirements; or
- B) Disease outbreaks, natural disasters, and other unusual circumstances which may threaten the health and safety of residents and which require re-assignment of personnel to protect the health and safety of residents within the local health department's jurisdiction.

2) The Department shall grant a waiver if it determines that the local health department meets the conditions or circumstances specified in subsection (d)(1) (A) and (B) of this Section. The Department shall notify the local health department of its decision within 10 working days after the receipt of the request.

A) A waiver shall be granted for a six-month period or until the conditions or circumstances referred to in subsection (a) of this Section are remedied, whichever is shorter.

B) The Department may extend a waiver for two additional six-month periods. All requests for extension of waiver shall be received by the Department at least 15 working days prior to the expiration of the waiver period.

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i) The first extension of the waiver shall be made if the Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in substantial compliance with applicable requirements of Certification on or before the conclusion of the first extended waiver period.

ii) The second extension of waiver shall be made if the Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in substantial compliance with applicable requirements of Certification on or before the conclusion of the second extended waiver period. The explanation shall include documentation of the applicable Certification requirements that are not being met, with the expected dates for completion and the reasons why the local health department was unable to achieve substantial compliance within the first extension period.

3) The Department shall review the local health department for substantial compliance with Certification requirements upon the expiration of the waiver period or upon request of the local health department. The Department's review shall include only those certification requirements that are the basis for the waiver.

A) If the Department, based upon its review, determines that the local health department meets the requirements set forth in Subparts C and D of this Part, the local health department shall be considered in substantial compliance with the requirements of Certification, and no further action shall be taken by the Department.

B) If the Department, based upon its review, determines that the local health department does not meet the requirements set forth in Subparts C and D of this Part and the waiver has expired, the Department shall notify the local health department of its option to request an extension of waiver under this Section.

C) If the Department, based upon its review, determines that the local health department does not meet the requirements set forth in Subparts C and D of this Part and the local health department's request was submitted prior to the expiration of the waiver period, the waiver shall continue until the end of the six-month period.

c) The Department may conduct an on-site review of the local health department and such

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documents necessary to determine substantial compliance with this Section.

SUBPART C: PERSONNEL REQUIREMENTS

Section 600.300 Executive Officer

- a) A Certified local health department shall have an executive officer. The Department shall approve any individual as an executive officer of a local health department if the individual meets the minimum qualifications for either a Public Health Administrator set forth in Section 600.310 or Medical Health Officer as set forth in Section 600.320 and has been appointed as such by the board of health.
- b) The local health department shall apply to the Department for approval of the qualifications of the individual who will serve as the local health department's executive officer.
- c) Application for approval shall be made to the Department on the Personnel Information Form, which shall be provided by the Department.
- d) The Department shall review the application and shall determine whether the applicant meets the requirements of this Subpart. An applicant shall be notified of the Department's determination, in writing, within 45 days after receipt of the complete application.
- e) If the executive officer of the local health department is a Public Health Administrator, medical supervision shall be made available by the local board of health as applicable. A physician licensed to practice medicine in all its branches in Illinois shall be available for consulting with the Public Health Administrator. The board of health shall maintain documentation of compliance with this subsection.

Section 600.310 Public Health Administrator

- a) The Public Health Administrator shall possess, at a minimum, the following education and experience:
 - 1) A master's degree in public health from a college or university accredited by the North Central Association or other regional, nationally-recognized accrediting agency and two years of full-time administrative experience in public health;
 - 2) A graduate degree in a related field from a college or university accredited by the North Central Association or other regional, nationally-recognized accrediting agency, which may include but shall not be limited to a master's degree in public administration, nursing, environmental health, community health, or health education and two years of full-time administrative experience in public health;

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or

- 3) A bachelor's degree from a college or university accredited by the North Central Association or other regional, nationally-recognized accrediting agency and four years of full-time administrative experience, of which at least two years must be in public health.
- b) An incumbent Public Health Administrator, or a person who is acting in the capacity of a public health administrator as of the effective date of this Part, shall be considered in compliance with the education and experience requirements of subsection (a) of this Section and shall be exempt from the approval procedures specified in Section 600.300.

Section 600.320 Medical Health Officer

- a) The Medical Health Officer shall possess, at a minimum, the following education and experience:
 - 1) A master's degree in public health from a college or university accredited by the North Central Association or other regional, nationally-recognized accrediting agency or the equivalent experience in the health field, preferably public health;
 - 2) A license to practice medicine in all of its branches in Illinois; and
 - 3) Two years of full-time administrative experience in public health administration.
- b) An incumbent Medical Health Officer, who has received approval by the Department and has been employed as a Medical Health Officer prior to the effective date of this Part, shall be considered in compliance with the education and experience requirements of subsection (a) of this Section, and shall be exempt from the approval procedures specified in Section 600.300.
- c) Certification in Public Health by the American Board of Preventive Medicine or board certification in a related specialty is desirable but not required.

Section 600.330 Denial of Personnel Application

- a) A local health department whose application for approval for an executive officer of a Certified or Provisionally Certified local health department has been denied shall have the right to request a hearing, pursuant to Section 600.510, contesting such denial.
- b) Request for hearing pursuant to this Section shall be made in writing and shall contain a brief statement of the grounds upon which the request is made.
- c) If a written hearing request is not received by the Department within 30 days after the

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receipt of the denial of application by the applicant, the right to a hearing is waived.

SUBPART D: PRACTICE STANDARDS

Section 600.400 Public Health Practice Standards

a) Assess the health needs of the community by establishing a systematic needs assessment process that periodically provides information on the health status and health needs of the community.

1) A community health needs assessment that systematically describes the prevailing health status and health needs of the population within the local health department's jurisdiction shall be conducted at least once every five years.

A) The assessment shall be conducted through completion of IPLAN or an equivalent to IPLAN that meets the requirements set forth in Section 600.410.

B) The assessment shall, at a minimum, include an analysis of data contained in the IPLAN Data System provided by the Department for assessment purposes.

C) The assessment shall include community participation in the health needs assessment process in order to facilitate the identification of community health problems and the setting of priorities from among those health problems.

D) Community Health needs shall be identified during the community health needs assessment process based on the analysis of data describing the health of the population and on the judgment of the community participants concerning the seriousness of the health problems and needs. The identified health needs shall be priority ranked. Prioritization shall result in the establishment of at least three priority health needs.

2) A community health needs assessment shall contain:

A) A statement of purpose of the community health needs assessment that includes a description of how the assessment will be used to improve health in the community.

B) A description of the community participation process, a list of community groups involved in the process, and method for establishing priorities.

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C) A description of the health status and health problems most meaningful for the community in the data groupings designated by the Department in the IPLAN Data System.

D) A description of the process and outcomes of setting priorities.

b) Investigate the occurrence of adverse health effects and health hazards in the community by conducting timely investigations that identify the magnitude of health problems, duration, trends, location and populations at risk.

c) Advocate for public health, build constituencies and identify resources in the community by generating supportive and collaborative relationships with public and private agencies and constituent groups for the effective planning, implementation and management of public health activities. The local health department shall develop and strengthen communication with units of government, health-related organizations, health providers, citizens, and news media;

1) The local health department shall meet at least annually with representatives of health-related organizations within its jurisdiction to define inter-organizational roles and responsibilities.

2) The local health department shall disseminate health reports that have been developed by the local health department to the board of health, county board or other legislative bodies within its jurisdiction, the media, and the public.

d) Develop plans and policies to address priority health needs by establishing goals and objectives to be achieved through a systematic course of action that focuses on local community needs and equitable distribution of resources, and involves the participation of constituents and other related governmental agencies. Develop a community health plan that addresses at least three priority health needs, identified pursuant to Section 600.400, during each certification period;

1) The local health department shall include in its community health plan an analysis to establish risk factors and contributing factors for each priority health need, to determine the adequacy of existing resources, and to identify population groups at risk of poor health status within the local health department's jurisdiction.

2) The community health plan shall present measurable objectives and strategies for intervention for each priority health need.

3) The local health department shall utilize community participation to assist in the development of the community health plan.

4) In jurisdictions where a board of health exists pursuant to Section 5-25012 of the

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Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25012) [55 ILCS 5/5-25012]; Division 16 or 17 of the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 11-16-1 and par. 11-17-1 through 11-17-12) [65 ILCS 5/11-16-1 and 5/11-17]; or the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 0.01 et seq.) [70 ILCS 905], the local health department shall present the community health plan to the board of health for its review. A community health plan shall be adopted by the board of health.

- 5) The local health department shall submit the community health plan to the Department. The plan shall contain:

- A) A statement of purpose of the community health plan that includes how the plan will be used to improve the health of the community;
- B) A description of the process used to develop the community health plan;
- C) A description of each priority including the importance of the priority health need, summarized data and information on which the priority is based, the relationship of the priority to Healthy People 2000 National Health Objectives and subsequent revisions and factors influencing the level of the problem (e.g., risk factors, contributing and indirect contributing factors);
- D) At least one measurable outcome objective covering a five-year time frame related to each priority health need;
- E) At least one measurable impact objective related to each outcome objective; and
- F) At least one proven intervention strategy to address each impact objective. The description should include a discussion of: community resources that will contribute to implementation; estimated funding needed for implementation; and anticipated sources of funding.

- e) Manage resources and develop organizational structure through the acquisition, allocation and control of human, physical and fiscal resources; and maximizing the operational functions of the local public health systems through coordination of community agencies' efforts and avoidance of duplication of services.

- 1) The local health department shall, at least once every five years, perform an organizational capacity self-assessment that meets the requirements set forth in Section 600.410. The local health department shall provide the Department with a statement signed by an authorized representative indicating that the organizational capacity self-assessment was completed by the local health

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department and reviewed by the board of health.

- 2) The local health department shall maintain a current organizational chart which includes all functional elements of the organization and their relationship to each other.
- 3) The local health department shall maintain current written job descriptions, minimum qualifications for each position, and written plans or policies regarding staff recruitment, selection, development, and retention.

- f) Implement programs and other arrangements assuring or providing direct services for priority health needs identified in the community health plan by taking actions which translate plans and policies into services.

- g) Evaluate programs and provide quality assurance in accordance with applicable professional and regulatory standards to ensure that programs are consistent with plans and policies, and provide feedback on inadequacies and changes needed to redirect programs and resources.

- 1) The local health department shall conduct periodic reviews of programs, services, and personnel to demonstrate compliance with applicable professional and regulatory standards.

- 2) The local health department shall conduct monitoring of programs to assess achievement of mandated programs and progress towards meeting community health objectives as stated in the community health plan.

- h) Inform and educate the public on public health issues of concern in the community, promoting an awareness about public health services availability, and health education initiatives which contribute to individual and collective changes in health knowledge, attitudes and practices towards a healthier community.

- i) Documentation of each activity conducted pursuant to Subpart D of this Part shall be available for review by the Department upon request.

Section 600.410 Requirements for IPLAN or an Equivalent Planning Process

- a) IPLAN or a planning process equivalent to IPLAN shall meet the following requirements:

- 1) The process shall involve community participation in the identification of community health problems, priority setting, and completion of the community health needs assessment and community health plan.

- 2) Community health indicators contained in the IPLAN Data System provided by

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the Department for assessment purposes or a similar, equally comprehensive data system developed by the local health department shall be utilized to structure the minimal content of the assessment. A local health department may use in its assessment such additional data available, describing the health of its population including natality, mortality, morbidity and risk factors for illness in its jurisdiction.

- 3) The process shall result in the setting of priority health needs.
- 4) The process shall include an analysis of priority problems that shall lead to the establishment of objectives and strategies for intervention.
- 5) The process shall include board of health adoption of the community health plan.
- 6) The process for developing a self-assessment of the health department's organizational capacity shall address the following categories: legal authority and counsel; intergovernmental relations; constituency development and education; agency mission and role; data analysis, planning, evaluation and assurance; public policy issues and implementation; budget development and administration, reporting and auditing; personnel administration and staff development; organizational structure and shared resources; and management information systems.

- b) Upon written request of a local health department, the Department shall approve a planning process equivalent to IPLAN if the Department determines that the proposed equivalent planning process complies with the requirements of subsection (a) of this Section. If the local health department is not satisfied with the Department's response to its request made pursuant to this subsection, it may petition the Director to reconsider.

SUBPART E: DUE PROCESS

Section 600.500

Denial, Suspension or Revocation of Certification

- a) The Director, after notice and opportunity for hearing, may deny the application for Certification or suspend or revoke the Certification of any local health department in any case in which the Director finds substantial or continued failure to comply with this Part. If, however, the Director finds that the public interest, health, safety, or welfare requires emergency action and if the Director incorporates a finding to that effect in the order, summary suspension of Certification may be ordered pending proceedings for revocation of Certification. Such proceedings shall be promptly instituted and promptly determined.
- b) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the local health department with an opportunity to request a hearing. If a written hearing request is not received within

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10 days after receipt of the notice by the local health department, the right to a hearing is waived.

Section 600.510 Procedures for Hearings

The Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100, shall apply to all proceedings conducted under this Part, with the exception that where the terms "license" and "licensing" are used in Part 100, the definitions of those terms shall be expanded to include Provisional Certification, and Certification as those terms are defined in this Part.

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1) The Heading of the Part:

Child Health Examination Code

2) Code Citation:

77 Ill. Adm. Code 665

3) Section Numbers:

665.100
665.110
665.120
665.140
665.150
665.210
665.220
665.230
665.240
665.280
665.310
665.420
665.430
665.510
665.610
665.620
665.630
665.640
665 Appendix B

Adopted Action:

Amendment
Repealer
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Repealer

4) Statutory Authority:

Implementing and authorized by Section 27-8.1 of The School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1) [105 ILCS 5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1306.2) [410 ILCS 45/6.2].

5) Effective Date of Rulemaking:

March 5, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

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7) Does this Rulemaking Contain any Incorporation by Reference?

No

8) Date Filed in Agency's Principal Office:

March 5, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

(17 Ill. Reg. 2697 - March 5, 1993)

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking?

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

The following changes were made between the proposed and final versions:

Section 665.1409(f) has been revised to require lead screening for the 1994-95 school year, instead of the 1993-94 school year.

In addition, various technical, editorial, and grammatical changes requested by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed between the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Rulemaking Be placed in Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

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NOTICE OF ADOPTED AMENDMENTS

- | No | Section Numbers | Proposed Action | Ill. Reg. Citation |
|-----|---|-----------------|--------------------|
| 15) | Summary and Purpose of Rulemaking: | | |
| | <p>This rulemaking specifies criteria to be used by physicians and health care providers in screening children for lead poisoning. As part of the health examination, lead screening shall be required for children six years of age and below, prior to admission to a preschool, nursery school, kindergarten or other child care program licensed or approved by the State. This rulemaking requires a health examination to be completed for students from other countries, regardless of duration of stay, within one year prior to the date of entering school. In addition, the rulemaking makes the ages correspond for dental and vision examination for ungraded school programs to be consistent with those required for the health examination. In addition, Appendix B, the Child Health Examination Form has been repealed from the rules, so that the Department can revise the format of the form without amending the rules. The form will continue to be used, but will no longer be part of the rules.</p> | | |
| 16) | Information and Questions Regarding this Adopted Rulemaking Shall be Directed to: | | |
| | <p>Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.</p> | | |
| | <p>The full text of the Adopted Amendments begins on the next page.</p> | | |

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS
TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 665
CHILD HEALTH EXAMINATION CODE
SUBPART A: GENERAL PROVISIONS

Section	
665.100	Statutory Authority
665.110	General Considerations (Repealed)
	SUBPART B: HEALTH EXAMINATION

Section	
665.120	Health Examination Requirement
665.130	Signature of Physician
665.140	Time Examinations to be Conducted
665.150	Report Forms
665.160	Proof of Examination
665.210	Proof of Immunizations
665.220	Local School Authority
665.230	School Entrance
665.240	Basic Immunization
665.250	Proof of Immunity
665.260	Booster Immunizations
665.270	Compliance with the Law
665.280	Physician Statement of Immunity

SUBPART C: VISION AND HEARING SCREENING

Section	
665.310	Vision and Hearing Screening

SUBPART D: DENTAL EXAMINATION

Section	
665.410	Dental Examination Recommendation
665.420	Dental Examination
665.430	Dental Examination Record
665.440	Guidelines

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SUBPART E: EXCEPTIONS

Section
665.510 Objection of Parent or Legal Guardian
665.520 Medical Objection

SUBPART F: VISION EXAMINATION

Section
665.610 Vision Examination Recommendation
665.620 Vision Examination
665.630 Vision Examination Report
665.640 Indigent Students

Appendix A Vision Examination Report
Appendix B Certificate of Child Health Examination (Repealed)

AUTHORITY: Implementing and authorized by Section 27-8.1 of The School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1) [105 ILCS 5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1306.2) [410 ILCS 45/6.2].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 18 Ill. Reg. _____, effective March 5, 1994.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 665.100 Statutory Authority

The Illinois Department of Public Health (Department (DPH)) is authorized under Section 27-8.1 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1) [105 ILCS 5/27-8.1] to PROMULGATE THE RULES AND REGULATIONS, SPECIFY THE EXAMINATIONS AND PROCEDURES WHICH SHALL CONSTITUTE A HEALTH EXAMINATION, AND TO PROMULGATE RULES AND REGULATIONS SPECIFYING IMMUNIZATIONS AGAINST PREVENTABLE COMMUNICABLE DISEASES.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

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Section 665.110 General Considerations (Repealed)

General Considerations: To abate the considerable confusion through the State as to several aspects of this law, the Department of Public Health now promulgates rules in order to safeguard the health of school children in Illinois and to set the standards for the school health examination and immunization pursuant to The School Code.

(Source: Repealed at 18 Ill. Reg. _____, effective March 5, 1994)

SUBPART B: HEALTH EXAMINATION

Section 665.120 Health Examination Requirement

Health Examination for all public, private/independent and parochial school students in Illinois shall require a physical examination, protection from communicable disease, and vision and hearing screening according to the following rules of the Illinois Department of Public Health. Dental examinations are recommended as part of the health examination, but not mandatory. Lead screening is required as part of the health examination, as specified in Section 665.140(f).

(Source: Amended 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.140 Time Examinations to be Conducted

a) The examination shall be conducted within one year:

1) Prior to the date of entering school (this includes nursery school, special education, headstart programs operated by elementary school systems or secondary level school units or institutions of higher learning; and students transferring into Illinois from out-of-state or out-of-country);

2) Prior to the date of entering kindergarten or first grade;

3) Prior to the date of entering the fifth grade; and

4) And again, prior to the date of entering the _____

b) For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the school year in which the child reaches the ages of 5, 10, and 15

c) For students from other countries who attend classes, regardless of the duration of stay, examinations shall be completed within one year prior to the date of entering the school and at other intervals as provided in this Section.

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(c) Additional health examinations and further evaluations of students may be required when deemed necessary by school authorities.

(d) It is recommended that health examinations be required for children under 5 years of age at intervals of not less than 2 years, in programs operated by elementary school systems or secondary level school units or in institutions of higher learning.

(1) Beginning with the 1994-95 school year, lead screening shall be required as a part of the health examination for children age six years or below, prior to admission to a preschool, nursery school, kindergarten or other child care program licensed or approved by the state, including such programs operated by a public school district. Lead screening shall be required for public school students age six years or below subsequent to admission, in conjunction with health examinations required by this Section.

(Source: Amended 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.150

Report Forms

Health examinations shall be reported on the uniform forms that the Department of Public Health and the Illinois State Board of Education prescribe for statewide use. The Effective December 1, 1980, the required form is the Certificate of Child Health Examination provided by the Department, and compliance in using this form shall be required as of the 1981-82 school year and every school year thereafter. The Certificate of Child Health is the prescribed form.

a) For transfer students from out-of-state or out-of-country, or transfer from a Federal Head Start Program, a health form that is comparable to the Illinois requirements may be accepted only at the time of first entry into an Illinois school. (A statement by a physician licensed to practice medicine in all of its branches or health care provider indicating only that an examination had been conducted is not acceptable.)

b) The physical examination shall include an evaluation of: height, weight, blood pressure, skin, eyes, ears, nose, throat, mouth/dental, cardiovascular (including blood pressure), respiratory, gastrointestinal, genito-urinary, neurological, musculoskeletal, spinal/orthosis examination, nutritional status, lead screening, and other evaluations deemed necessary by the examiner. The strongly recommended evaluations include hemoglobin or hematocrit, urinalysis, lead screening and sickle cell. It is also recommended that the examiner list any medications the child takes routinely, diet restrictions/needs, special equipment needed, or other needs, or known allergies.

c) The examiner shall summarize on the report form any condition that he/she suspects indicates a need for special services.

d) The medical history section of the form shall be completed and signed by the parent or legal guardian of the student. The medical history shall be inclusive as indicated on the

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Certificate of Child Health Examination form.

e) The individual verifying the administration of required immunizations shall record as indicated on the Certificate of Child Health Examination form that the immunizations were administered as required by current rules of the Department IDPH and the rules of this Act.

f) Vision and hearing screening is required under the Child Vision and Hearing Test Act (Ill. Rev. Stat. 1991-87, ch. 23, pars. 2331 et seq.) (410 ILCS 205) and rules prescribed thereunder. (Public Act 81-174). Completion of the vision and hearing screening data section of the Certificate of Child Health Examination is optional.

g) If the vision and hearing screening data section is completed, it shall be completed with information provided by the vision and hearing screening personnel certified by the Department IDPH or from qualified medical or other professional specialists.

h) If the student is required to have a sports physical that coincides in the year that coincides with the child health examination requirement, the Child Health Examination form may be accepted as proof of examination for interscholastic sports, if the statement regarding participation in interscholastic sports is completed by the examiner.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.210

Proof of Immunizations

Every child shall present, on or about the same time as he/she receives a health examination, proof to the local school authority of having received such immunizations as the Illinois Department of Public Health shall require in Section 695.10 of the School Child Immunization Code (77 Ill. Adm. Code 695) by current rules.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.220

Local School Authority

Local school authority is defined as that person having ultimate control and responsibility for any public, private/independent and/or parochial elementary or secondary school or attendance center or nursery school operated by an elementary or secondary school or institution of higher learning.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.230

School Entrance

a) Every child, prior to entering any public, private/independent or parochial school in Illinois shall present to that school proof of immunity against:

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- 1) Diphtheria
 - 2) Pertussis
 - 3) Tetanus
 - 4) Poliomyelitis
 - 5) Measles
 - 6) Rubella
- b) The health care provider verifying the administration of the required immunization shall record as indicated on the Certificate of Child Health Examination that the immunizations were administered.
- c) Any child who does not submit proof of having protection by immunity as required must receive the needed vaccine. If for medical reasons one or more of the required immunizations must be given after the date of entrance of the current school year, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay must be signed by the health care provider who will administer the needed immunizations and be kept on file at the local school.
- d) All children currently enrolled in Illinois who are susceptible to mumps, must show proof of immunity prior to enrolling for school ~~year 1987-1988~~.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.240 Basic Immunization

- a) Diphtheria, Pertussis, Tetanus
 - 1) Any child 5 years of age or younger entering school for the first time must show proof (~~dates~~-see Section 665.250(b)) of having received four or more doses of Diphtheria, Pertussis, Tetanus (DPT) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance; or within one year prior to school entrance. Individual doses in the series must have been received no less than four weeks apart.
 - 2) Any child 6 years of age or older must show proof (~~dates~~-see Section 665.250(b)) of receiving three or more doses of DPT or Tetanus, Diphtheria (Td) with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than four weeks apart.

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- 3) If 10 years have elapsed since the last booster, an additional booster is required.
- b) Polio
 - 1) Any child 5 years of age or younger entering school for the first time must show proof (~~dates~~-see Section 665.250(b)) of having received three or more doses of Trivalent oral Polio Vaccine (TOPV) with the last dose being a booster and having been received on or after the 4th birthday but prior to school entrance. Individual doses in the series must have been received no less than six weeks apart.
 - 2) Any child 6 years of age or older must show proof (~~dates~~-see Section 665.250(b)) of receiving three or more doses to TOPV with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than six weeks apart.
 - 3) A series of inactivated polio virus vaccine (IPV) and appropriate boosters may, for an individual, be substituted for vaccination with TOPV at the direction of a physician.
 - c) Measles
 - 1) Children who have had measles or have been immunized with one dose of live measles virus vaccine at 15 months of age or older, or children who have had two doses of live measles virus vaccine, the first dose at least 12 months of age and the second dose no less than 1 month after the first, shall be considered protected and in compliance.
 - 2) Children entering the 5th grade for the first time after July of 1990, entering the 9th grade for the first time after July of 1991, and entering at any grade level after July of 1993, will be required to show evidence of having received two doses of live measles virus vaccine, the first dose at least 12 months of age and the second dose no less than 1 month after the first or other proof of immunity described in this Part.
 - 3) Any child two years of age or older who is entering at a grade level in which evidence of two doses of live measles virus vaccine is not required, shall show proof (~~dates~~-see Section 665.250(b)) of receiving measles vaccine at 15 months of age or older. Immunization at 12 months of age or older is acceptable for those students who entered kindergarten or first grade prior to the 1981-1982 school year. Proof (~~dates~~) of disease, if verified by a physician licensed to practice medicine in all of its branches, may be substituted for proof of vaccination (see Section 665.250(c)). See Section 665.250(e).

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- 4) If immunization was received prior to 1968, proof must be provided that a live virus vaccine was given.
- 5) For students attending school programs where grade levels are not assigned, proof of two doses of live measles virus vaccine as described in subsection (c)(2) of this Section shall be submitted prior to the school year in which the child reaches the ages of 5, 10, and 15.

d) Rubella, Mumps

- 1) All children 2 years of age or older entering school at any grade level must show proof (dates; see Section 665.250(b)) of receiving rubella vaccine on or after the 1st birthday. Proof of disease is not acceptable unless laboratory evidence is presented with blood titer of 1:16 (or equivalent titer) or greater.
- 2) Any child, two years of age or older, entering at any grade level must show proof (dates; see Section 665.250(b)) of receiving mumps vaccine at 12 months of age or older. Proof (dates) of diseases if verified by physician licensed to practice medicine in all of its branches may be substituted for proof of vaccination.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.280 Physician Statement of Immunity

A physician licensed to practice medicine in all of its branches, who believes a child to be protected against a disease for which immunization is required may so indicate in writing, stating the reasons, and certify that he/she believes the specific immunization in question is not necessary or indicated. Such a statement should be attached to the child's school health record and accepted as satisfying the medical exception provision of the regulation for that immunization. These statements of lack of medical need will be reviewed by the ~~Illinois~~ Department of Public Health with appropriate medical consultation. After review, if a student is no longer considered to be in compliance, the student is subject to the exclusion provision of the law.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

SUBPART C: VISION AND HEARING SCREENING

Section 665.310 Vision and Hearing Screening

Vision and hearing screening tests shall be conducted in accordance with the present rules of the ~~Illinois~~ Department of Public Health.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

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SUBPART D: DENTAL EXAMINATION

Section 665.420 Dental Examination

- a) If a dental examination is performed, it shall be conducted with one year:
- 1) Prior to the date of ~~entering school~~ (nursery school, special education, head start programs, operated by elementary school systems or secondary level school units or institutions of higher learning; and students transferring into Illinois schools from out-of-state or out-of-country);
 - 2) Prior to the day of entering ~~kindergarten or first~~ grade;
 - 3) Prior to the date of entering the fifth grade; and
 - 4) ~~And again prior~~ Prior to the date of entering the ninth grade.
- b) For students attending school programs where grade levels are not assigned examinations shall be completed prior to the date of entering and within one year prior to the age of 5, 10 and 15 ~~14~~.

- c) Additional dental examinations of students may be required when deemed necessary by school authorities.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.430 Dental Examination Record

If performed, the dental examination shall be recorded on the Dental Examination Record prescribed by the ~~Illinois~~ Department of Public Health for statewide use and presented to the local school authority. The Dental Examination Record is the prescribed form by the ~~Illinois~~ Department of Public Health.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

SUBPART E: EXCEPTIONS

Section 665.510 Objection of Parent or Legal Guardian

Parent or legal guardian of a student may object to health examinations, immunizations, vision and hearing screening tests, and dental health examinations for their children on religious grounds. If a religious objection is made, a written and signed statement from the parent or legal guardian detailing such objections must be presented to the local school authority. General philosophical or moral reluctance to allow physical examinations, immunizations, vision and hearing screening, and dental examinations will not provide a sufficient basis for an exception to statutory requirements. The parent

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or legal guardian must be informed by the local school authority of measles outbreak control exclusion procedures in accordance with the Department's IDPH rules, ~~The~~ Control of Communicable Diseases Code (77 Ill. Adm. Code 690) at the time such objection is presented.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

SUBPART F: VISION EXAMINATION

Section 665.610 Vision Examination Recommendation

It is recommended, but not required, that a vision examination including ophthalmology and subjective refraction be performed on public, private/independent, and parochial school students by physicians licensed to practice medicine in all of its branches, ~~the~~ the Medical Practice Act of 1987; (Ill. Rev. Stat. 1991~~87~~, ch. 111, par. 4400-1 et seq.)~~225 ILCS 601~~ or a licensed optometrist, ~~the~~ the Illinois Optometric Practice Act of 1987; (Ill. Rev. Stat. 1991~~87~~, ch. 111, par. 3901 et seq.)~~225 ILCS 801~~.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.620 Vision Examination

a) If a vision examination is performed, it shall not be performed in the place of, or rather than performing vision screening, and shall be conducted within one year:

- 1a) Prior to the date of entering kindergarten ~~or~~ first grade;
- 2b) Prior to the date of entering the fifth grade; ~~and~~
- 3e) ~~And again prior~~ Prior to the date of entering the ninth grade;

b4) For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the ages of 5, 10 and 15 44.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.630 Vision Examination Report

If performed, the vision examination shall be recorded on the Vision Examination Report prescribed by the ~~Illinois~~ Department of Public Health for statewide use and presented to the local school authority. (See Section 665.665. Appendix A Vision Examination Report.)

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Section 665.640 Indigent Students

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School districts opting to require vision examinations as a part of the health examination shall ensure vision examinations are made available for indigent students. Indigent students are those students eligible for the "free breakfast and lunch program" under the School Free Lunch Program Act ~~"AN ACT authorizing school boards and welfare centers to sponsor community school lunch programs and free breakfast and lunch programs and authorizing and requiring free school lunch programs, providing for State reimbursement"~~ (Ill. Rev. Stat. 1991~~87~~, ch. 122, par. 712.01~~712-1~~ et seq.)~~105 ILCS 1251~~.

(Source: Amended at 18 Ill. Reg. _____, effective March 5, 1994)

Appendix B Certificate of Child Health Examination ~~(Repealed)~~

(Source: Repealed at 18 Ill. Reg. _____, effective March 5, 1994)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

1) The Heading of the Part:

Local Health Department Development Grant Rules

2) Code Citation:

77 Ill. Adm. Code 610

3) Section Numbers:

610.100 New Section
 610.110 New Section
 610.200 New Section
 610.210 New Section
 610.300 New Section
 610.310 New Section
 610.320 New Section

Adopted Action:4) Statutory Authority:

Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 0.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55]

5) Effective Date of Rulemaking:

March 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

7) Does this Rulemaking Contain any Incorporation by Reference?

No

8) Date Filed in Agency's Principal Office:

March 1, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

DEPARTMENT OF PUBLIC HEALTH

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(17 Ill. Reg. 14824 - September 17, 1993)

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:Date Statement of Objection was Published in the Illinois Register:11) Difference Between Proposal and Final Version:

In the definition of "Provisionally Certified" in Section 610.110, the reference to "600.210" has been changed to "600.200" to reflect the correct section number in the Department rules entitled "Certified Local Health Department Code" (77 Ill. Adm. Code 600).

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Joint Committee on Administrative Rules did not issue an agreement letter for this rulemaking, as no agreements were necessary.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

Section NumbersProposed ActionIll. Reg. Citation15) Summary and Purpose of Rulemaking:

These rules specify requirements for administering Local Health Department Development Grants, which are awarded to local boards of health to provide financial assistance for the establishment and certification of local health departments. The rules specify requirements concerning grant application and use of grant funds.

16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public

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Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Rules begins on the next page.

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NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 610

LOCAL HEALTH DEPARTMENT DEVELOPMENT GRANT RULES

SUBPART A: GENERAL

Section
610.100
610.110

Statement of Purpose
Definitions

SUBPART B: GRANT APPLICATION

Section
610.200
610.210

Eligibility
Application

SUBPART C: GRANT FUNDS

Section
610.300
610.310
610.320

Use and Purpose of Grant Funds
Grant Awards
Accountability

Authority: Implementing and authorized by Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 0.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55].

Source: Emergency rules adopted at 17 Ill. Reg. 12936, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; adopted at 18 Ill. Reg. _____, effective March 1, 1994.

SUBPART A: GENERAL

Section 610.100

Statement of Purpose

- a) This Part sets forth the requirements for administration of the Local Health Department Development Grant by the Illinois Department of Public Health. Local Health Department Development Grants are awarded annually to local boards of health to provide financial assistance for the establishment and certification of local health departments.

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- b) The Department is committed to the mission of public health — to fulfill society's interest in assuring conditions in which people can be healthy. Because of this commitment, the Department has the responsibility to assure that quality public health services are delivered to Illinois citizens. Where possible, it is in the best interest of Illinois citizens to have public health services delivered at the local level by a local health department. The Department provides Local Health Department Development Grants as seed money to encourage the establishment of local health departments in counties without local public health services. The Local Health Department Development Grant is one of the State's contribution to assuring that the public health mission is achieved in all areas of Illinois.

Section 610.110

Definitions

For purposes of this Part, the words and phrases defined herein shall have the following meanings:

"Authorized representative" means the person authorized by law to enter into written agreements binding upon the board of health.

"Board of health" means the governing body that manages or intends to establish a local health department to protect and improve public health within the local health department's jurisdiction.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his designee.

"Local Health Department" means a county or multi-county health department created pursuant to Section 5-25001 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001) [55 ILCS 5/5-25001].

"Local Health Department Development Grant" means a one-year grant awarded by the Department to a local board of health for the establishment of a local health department.

"Provisionally Certified" or "Provisional Certification" means certification granted to a local health department that meets the requirements for Provisional Certification set forth in Section 600.200 of the Certified Local Health Department Code (77 Ill. Adm. Code 600).

SUBPART B: GRANT APPLICATION

Section 610.200

Eligibility

A board of health may apply for a Local Health Department Development Grant anytime after the effective date of this Part if the local health department under the board of health's jurisdiction is Provisionally Certified by the Department.

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Section 610.210

Application

- a) A board of health may apply to the Department for a Local Health Department Development Grant.
- 1) The application shall be made by letter, memorandum, or similar document, signed by an authorized representative, and shall include:
- A) For local health departments established by resolution of the county board, a copy of the resolution creating the local health department;
- B) For local health departments established by a citizen referendum, a copy of the county clerk's verification that the proposition to levy an annual tax for community health facilities and services was approved; and
- C) A list of board of health members that indicates compliance with the statutory board composition requirements set forth in Section 5-25012 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25012) [55 ILCS 5/5-25012].
- 2) The Department shall review the application within 30 days after submission of a complete application. The Department shall approve the grant application if it meets the requirements of subsection (a) (1) of this Section, the local health department is Provisionally Certified by the Department, and the Department has adequate funds available at the time of application. The Department shall notify the board of health of its decision in writing.
- b) A board of health that is a current recipient of a Local Health Department Development Grant may apply for a subsequent State fiscal year grant.
- 1) Such application shall be made by letter, memorandum, or similar document, signed by an authorized representative, and submitted to the Department prior to the beginning of the State fiscal year for which the board of health is applying for funding.
- 2) The Department shall review the application within 15 days after submission of a complete application. The Department shall approve the grant application if it meets the requirements of subsections (b) and (b)(1) of this Section and the Department has adequate funds available at the time of application. The Department shall notify the board of health of its decision in writing.
- c) When the Department is reviewing grant applications for the subsequent State fiscal year, the Department shall give preference to grant applications from boards of health that have

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previously been awarded a Local Health Department Development Grant.

- d) Complete applications submitted after the beginning of the State fiscal year shall be considered by the Department in the order that the applications are received by the Department, subject to availability of funds.

SUBPART C: GRANT FUNDS

Section 610.300 Use and Purpose of Grant Funds

Local Health Department Development Grant funds are provided by the Department and shall be used solely for expenses associated with the establishment and certification of a local health department, pursuant to Section 600.210 of the Certified Local Health Department Code.

Section 610.310 Grant Awards

- a) The Department shall use the population of the county or counties in which the local health department has jurisdiction as the basis for determining the local board of health's annual grant award.
- b) The Local Health Department Development Grant term shall be concurrent with the State fiscal year.
- c) The Department and the local board of health shall execute a grant agreement for the grant award within 30 days of approving the Local Health Department Development Grant application.

Section 610.320 Accountability

The local board of health shall assure that the Local Health Department Development Grant funds have been used solely for the purpose set forth in Section 610.300 and shall document all expenditures. The local board of health shall:

- a) Maintain complete records of all services and disbursements relative to this grant, and
- b) Make all such records available to the Department upon request.

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- 1) The Heading of the Part:

Local Health Departments Program Standards Code

- 2) Code Citation:

77 Ill. Adm. Code 615

- 3) Section Numbers:

Adopted Action:

615.100	Repealer
615.110	Repealer
615.120	Repealer
615.130	Repealer
615.140	Repealer
615.150	Repealer
615.160	Repealer
615.200	Repealer
615.310	Repealer
615.320	Repealer
615.330	Repealer
615.340	Repealer
615.350	Repealer
615.360	Repealer
615.370	Repealer
615.380	Repealer
615.390	Repealer
615.400	Repealer
615.510	Repealer
615.530	Repealer
615.530	Repealer
615.540	Repealer
615.550	Repealer
615.560	Repealer
615.600	Repealer
615.610	Repealer
615.620	Repealer
615.630	Repealer
615.640	Repealer
615.700	Repealer
615.710	Repealer
615.720	Repealer
615.730	Repealer
615.740	Repealer

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615.750 Repealer
 615.760 Repealer
 615.770 Repealer
 615.800 Repealer
 615.810 Repealer
 615.820 Repealer
 615.830 Repealer
 615.840 Repealer
 615.850 Repealer

4) Statutory Authority:

Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 0.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55]

5) Effective Date of Rulemaking:

March 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

7) Does this Rulemaking Contain any Incorporation by Reference?

No

8) Date Filed in Agency's Principal Office:

March 1, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

(17 Ill. Reg. 17741 - September 17, 1993)

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

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Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

There are no changes between the proposal and final versions of this rulemaking.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Joint Committee on Administrative Rules did not issue an agreement letter for this rulemaking, as no agreements were necessary.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

Section NumbersProposed ActionIll. Reg. Citation15) Summary and Purpose of Rulemaking:

These rules, which set forth required and recommended program standards for local health departments, have been repealed and replaced by new rules adopted at 77 Ill. Adm. Code 615, which also appear in this issue of the Illinois Register. The new rules establish eligibility requirements and program standards applicable to local health departments receiving the Department's Local Health Protection Grant.

16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

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dependent upon the total annual Local Health Protection Grant appropriation level, the three allocation criteria, and/or the availability of other state or federal funds for performing the required Program Standards in this Part.

- 2) Application of the Criteria. After setting aside any amounts for minimum and/or maximum grant awards:
 - A) Fifty percent (50%) of the annual Local Health Protection Grant funds shall be allocated based upon the population of the local health departments' jurisdictions.
 - B) Forty percent (40%) of the annual grant funds shall be allocated based upon the per capita incomes of the local health departments' jurisdictions. Those local health departments serving jurisdictions with less than the statewide average per capita income will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita income and their jurisdiction's per capita income level.
 - C) Ten percent (10%) of the annual grant funds shall be allocated based upon the per capita assessed valuations of local health departments' jurisdictions. Those local health departments serving jurisdictions with less than the statewide average per capita assessed valuation will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita assessed valuation and their jurisdiction's per capita assessed valuation level.

4. Section 615.220(a) has been revised by inserting the words "the extent of" immediately after "determine".
5. In Section 615.230(b), "within 10 working days of receipt" has been revised to read "within 10 working days after receipt".
6. Sections 615.300(c)(2) and (3) have been revised to read as follows:

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- 2) For reported cases involving HIV, sexually-transmitted diseases and bloodborne diseases, counseling shall be provided to an annually negotiated percentage of consenting investigated cases and (their) contacts.
- 3) For reported cases involving HIV, sexually-transmitted diseases and bloodborne diseases, partner notification services shall be provided to an annually negotiated percentage of consenting investigated cases and (their) contacts.
7. In Section 615.300(c)(8), the first sentence has been revised by inserting the word "appropriate" after the word "determined".
8. In Section 615.300(c)(14), "Section 615.110(a), Incorporated Materials" has been revised to read "Section 615.Appendix A".
9. Section 615.300(c)(15) has been revised to read as follows:
 - 15) Qualified personnel shall be available to conduct activities pursuant to this Section. Program management personnel shall complete the Centers for Disease Control home study course on communicable disease control or equivalent approved by the Department within six months of conducting activities, and shall attend at least one related classroom training program annually.
10. Section 615.300(f) has been revised by inserting "for a minimum of five years after the completion of the grant period," immediately after "local health department".
11. In Section 615.310(b)(3)(A), "and" has been replaced with "and/or".
12. Sections 615.310(b)(8) and (9) have been revised to read as follows:
 - 8) Information shall be provided to the general public concerning prevention of foodborne illness and describing proper ways for storing, preparing, canning, preserving, and serving food. Information shall be made available to primary and secondary schools to instruct children regarding food sanitation and personal hygiene as it relates to food safety.
 - 9) A program, which is designed especially for food establishment managers and personnel, shall be provided which describes the proper ways of storing and preparing food and the necessity for reporting illness.

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All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

Section Numbers

Proposed Action

Ill. Reg. Citation

15) Summary and Purpose of Rulemaking:

These new rules replace the repealed rules at 77 Ill. Adm. Code 615, which had set standards for ten required programs implemented by local health departments. The new rules establish eligibility requirements and program standards for local health protection grants awarded by the Department. Local health departments are required to meet the certification requirements of new 77 Ill. Adm. Code 600, and assure that four health protection programs, concerning infectious diseases, food protection, potable water supply, and private sewage disposal are provided, in order to be eligible for the grants.

16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 615

LOCAL HEALTH PROTECTION GRANT RULES

SUBPART A: GENERAL

Section	Definitions
615.100	Incorporated Materials
615.110	

SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

Section	Eligibility
615.200	Award and Use of Grant Funds
615.210	Review and Consultation; Plan of Correction
615.220	Waiver of Requirements
615.230	

SUBPART C: PROGRAM STANDARDS

Section	Infectious Diseases
615.300	Food Protection
615.310	Potable Water Supply
615.320	Private Sewage Disposal
615.330	Common Requirements
615.340	

SUBPART D: DUE PROCESS

Section	Denial, Suspension or Revocation of Grant Application or Grant Agreement
615.400	Procedures for Hearings
615.410	

615.Appendix A Recommended Policies and Procedures for Immunization Clinics

Authority: Implementing and authorized by Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-

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1 et seq.) (65 ILCS 5); and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) (20 ILCS 2310/55).

Source: Filed October 20, 1977; Part repealed, new Part adopted at 5 Ill. Reg. 1415, effective July 1, 1981; codified at 8 Ill. Reg. 16335; amended at 14 Ill. Reg. 805, effective January 1, 1990; Part repealed, new Part adopted by emergency rules at 17 Ill. Reg. 13002, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. _____, effective March 1, 1994.

SUBPART A: GENERAL

Section 615.100 Definitions

For purposes of this Part, the following definitions shall apply:

"Department" means the Illinois Department of Public Health.

"Director" means the Director of Public Health.

"Health Protection Program" means any program, service or activity performed by a local health department intended to prevent or reduce the incidence of disease, death or disability caused by infectious diseases; exposure to hazardous or toxic substances; or unsafe food, water, air, consumer products, or other environmental exposure.

"Healthy People 2000" means National Health Promotion and Disease Prevention Objectives, U.S. Department of Health and Human Services, Public Health Service, DHHS publication number (PHS) 91-50212. Healthy People 2000 contains a national strategy for significantly improving the health of the nation during this decade and contains measurable targets for striving toward health promotion and prevention of injuries and diseases.

"Local Health Protection Grant" means a grant made by the Department to a certified local health department for health protection programs including, but not limited to, Infectious Diseases, Food Protection, Potable Water Supply and Private Sewage Disposal.

"Substantial Compliance" means meeting requirements set forth in this Part, except for variations from the strict and literal performance of such requirements which result in insignificant omissions and defects, given the particular circumstances and the incidence and history of such omissions and defects. Omissions and defects that have an adverse impact on public health and safety shall not be considered insignificant and shall be considered substantial noncompliance.

Section 615.110

Incorporated Materials

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The following materials have been incorporated and referenced in this Part:

- a) "Standards for Pediatric Immunization Practices" (February 1993), Centers for Disease Control and Prevention, Information Services Office, Mail Stop E-06, National Center for Prevention Services, Centers for Disease Control and Prevention, Atlanta GA 30333-4018.
- b) "Sexually Transmitted Diseases Clinical Practice Guidelines" (May 1991), U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta GA 30333.
- c) "Sexually Transmitted Diseases Treatment Guidelines" (September 1989), U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta GA 30333.

SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

Section 615.200 Eligibility

A local health department shall be eligible to receive Local Health Protection Grant funds provided that it meets the following criteria:

- a) the local health department is certified pursuant to Section 600.210 of the Certified Local Health Department Code (77 Ill. Adm. Code 600);
- b) the local health department makes application to the Department on forms or in a format provided or prescribed by the Department; and
- c) the local health department assures that the four health protection programs of infectious diseases, food protection, potable water supply, and private sewage disposal are provided in accordance with the requirements of this Part. Assumption of direct service by another unit of local government shall fulfill this assurance for that portion of the local health department's jurisdiction.

Section 615.210 Award and Use of Grant Funds

- a) The Department shall award Local Health Protection Grant funds using a methodology developed in cooperation with the Illinois Association of Public Health Administrators and which is based upon the following criteria: population; per capita income; and per capita assessed valuation.

- 1) The minimum grant award to any participating local health department shall be

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\$22,500. The Department may also establish maximum annual grant awards, dependent upon the total annual Local Health Protection Grant appropriation level, the three allocation criteria, and/or the availability of other State or federal funds for performing the required Program Standards in this Part.

2) Application of the Criteria. After setting aside any amounts for minimum and/or maximum grant awards:

- A) Fifty percent (50%) of the annual Local Health Protection Grant funds shall be allocated based upon the population of the local health departments' jurisdictions.
- B) Forty percent (40%) of the annual grant funds shall be allocated based upon the per capita incomes of the local health departments' jurisdictions. Those local health departments serving jurisdictions with less than the statewide average per capita income will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita income and their jurisdiction's per capita income level.
- C) Ten percent (10%) of the annual grant funds shall be allocated based upon the per capita assessed valuations of local health departments' jurisdictions. Those local health departments serving jurisdictions with less than the statewide average per capita assessed valuation will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita assessed valuation and their jurisdiction's per capita assessed valuation level.

b) Prior to the award of grant funds, the Department and the local health department shall execute a grant agreement wherein the local health department, at a minimum, agrees to:

- 1) fulfill the requirements of this Part; and
- 2) provide program statistical information to the Department. The requested information will be developed in cooperation with the Illinois Association of Public Health Administrators.

c) Local Health Protection Grants may be used by the local health department for any health protection program or service including, but not limited to, Infectious Diseases, Food Protection, Potable Water Supply, and Private Sewage Disposal. The grants are intended to supplement other federal, State and local funds available to support local health protection programs, including the four programs that must be assured for participation. Provided the four programs are assured, the local health department may use the grant

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funds for any health protection program, activity or service or for shared management or administrative support costs.

Section 615.220 Review and Consultation; Plan of Correction

a) The Department shall provide review and consultation to local health departments in order to evaluate the effectiveness of local health activities and programs and to determine the extent of compliance with the grant agreement.

b) Review and consultation shall be provided at least once every three (3) years, or as often as necessary, in order to assure substantial compliance with this Part and the local health department's grant agreement.

c) In the event the Department determines that a local health department is not in substantial compliance with the applicable rules and grant agreement, the local health department shall develop and follow a written plan of correction acceptable to the Department to achieve substantial compliance.

1) The Department shall notify the local health department of its determination in writing by means of a Notice of Noncompliance which specifies the areas of deficiency to be corrected.

2) A plan of correction shall be submitted to the Department within 30 days after receipt by the local health department of a Notice of Noncompliance.

3) If the local health department fails to submit a plan of correction that is acceptable to the Department, the Department may prescribe a plan of correction that shall be followed by the local health department, unless the local health department submits an alternative plan that is acceptable to the Department.

4) A local health department's failure to follow an approved or prescribed plan of correction shall be grounds for suspension or revocation of a grant agreement. Such action by the Department shall consider the local health department's degree of noncompliance with this Part, the duration of the noncompliance, the local health department's efforts to address the noncompliance, and the extent to which the noncompliance jeopardizes the public's health and safety.

Section 615.230 Waiver of Requirements

a) A certified local health department may apply to the Department for a temporary waiver of any requirement of this Part. The local health department shall submit a written application which describes and attests that:

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- 1) the need for a waiver is due to conditions or circumstances beyond the reasonable control of the local health department; and
- 2) fulfilling the requirement at this time would jeopardize compliance with a higher priority activity needed to protect the health and safety of residents within the local health department's jurisdiction.

b) The Department may grant a waiver if it determines that the local health department meets the criteria specified in subsection (a) of this Section. The Department shall notify the local health department of its decision within 10 working days after receipt of the request.

- 1) If a waiver is granted, it shall be granted for a six-month period or until the conditions or circumstances referred to in subsection (a) of this Section are remedied, whichever is sooner.
- 2) The Department may extend a waiver for two additional six-month periods. All requests for extension of waiver shall be received by the Department at least 15 working days prior to the expiration of the waiver period.

A) The first extension of the waiver may be made if the Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in compliance with the waived requirement on or before the conclusion of the first extended waiver period.

B) The second extension of waiver may be made if the Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in compliance with the waived requirement on or before the conclusion of the second extended waiver period. The explanation shall include the expected dates for completion and the reasons why the local health department was unable to achieve compliance within the first extension period.

- c) The Department may review the local health department for compliance upon the expiration of the waiver period or upon request of the local health department. Such review may include an on-site inspection.

SUBPART C: PROGRAM STANDARDS

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Section 615.300 Infectious Diseases

- a) In order to protect the citizens within its jurisdiction from contracting and transmitting infectious diseases, the local health department shall perform a comprehensive infectious diseases control program.

b) For each Class I and Class II disease listed in Section 690.100 of the Control of Communicable Diseases Code (77 Ill. Adm. Code 690), the local health department, in consultation with the Department, shall establish a goal every five years for a maximum incidence of that disease per 100,000 people. These goals shall be based on a consideration of the current status of disease in the jurisdiction, resources (local, State, and federal) available to the local health department, and national ("Healthy People 2000") goals.

c) The local health department shall undertake the following activities, in accordance with the Control of Communicable Diseases Code (77 Ill. Adm. Code 690), the Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693), and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697), in order to control the spread of, reduce the incidence of, and prevent Class I and Class II diseases within its jurisdiction.

- 1) Investigation shall be initiated on all reported cases (or suspected cases) of Class I and Class II diseases within one working day (Class I) and 3 working days (Class II) of receipt of the report.
- 2) For reported cases involving HIV, sexually-transmitted diseases and bloodborne diseases, counseling shall be provided to an annually negotiated percentage of consenting investigated cases and (their) contacts.
- 3) For reported cases involving HIV, sexually-transmitted diseases and bloodborne diseases, partner notification services shall be provided to an annually negotiated percentage of consenting investigated cases and (their) contacts.
- 4) For reported cases involving Tuberculosis and sexually-transmitted diseases, an annually negotiated percentage of reported cases receiving treatment for infectious diseases shall complete the course of therapy included within a list of Department-approved guidelines for prevention and treatment of Tuberculosis and sexually-transmitted diseases.
- 5) For reported cases involving Tuberculosis and sexually-transmitted diseases, an annually negotiated percentage of identified contacts to cases shall be placed on, and complete, the course of preventive therapy included within a list of Department-approved guidelines for prevention and treatment of Tuberculosis and

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sexually-transmitted diseases.

6) Public health infectious disease clinics shall be conducted in accordance with the United States Public Health Service's "Sexually Transmitted Diseases Clinical Practice Guidelines" (May 1991) or Section 615, Appendix A, "Recommended Policies and Procedures for Immunization Clinics".

7) A system to monitor the status of Class I and II infectious diseases, including reporting, and a system to estimate the incidence, prevalence and demographic characteristics of cases that occur in the community shall be implemented and maintained.

8) Screening for Tuberculosis and HIV shall be conducted as determined appropriate by the results of a needs assessment of the community. If the needs assessment does not address this issue, goals for such screening shall be annually negotiated with the Department based upon a consideration of the current status of disease in the jurisdiction, resources (local, State, and federal) available to the local health department, and national ("Healthy People 2000") goals.

9) Ongoing immunization clinics shall be developed and maintained as a local service. Ongoing clinics should be of such number and frequency so as to provide for immunizations as recommended in Appendix A of this Part, "Recommended Policies and Procedures for Immunization Clinics", and to assist schools to comply with Section 27-8.1 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1) [105 ILCS 5/27-8.1]. During outbreaks, special immunization clinics shall be provided, of such number and frequency as needed to control the spread of disease. Documentation shall be maintained regarding the clinics held by site(s) and dates; numbers immunized; and vaccine used or distributed by vaccine type, client ages, and the nature of the vaccinations, e.g., primary series or booster shot.

10) A plan shall be developed and implemented to survey the immunization status of the population in the local jurisdiction. The local health department shall assist and support the completion of annual surveys of selected populations, i.e., school enterers, special age groups or communities. Survey results should be used to plan and conduct activities to increase immunization levels to at least 90 percent for specific diseases. Subsequent surveys should show the same or higher levels of immunity.

11) Distribution and use of biologics provided by the Department shall be performed in accordance with the United States Public Health Service "Recommendations of the Immunization Practices Advisory Committee (ACIP)" as published in "Standards for Pediatric Immunization Practices" (February 1993), United States

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Public Health Service "Sexually Transmitted Diseases Treatment Guidelines" (September 1989) or United States Public Health Service "Sexually Transmitted Diseases Clinical Practice Guidelines" (May 1991).

12) An accounting for biologics provided by the Department shall be reported monthly to the Department on form IL482-00702.

13) Procedures shall be implemented that assure that the amount of State-supplied vaccine unaccounted for or wasted on an annual basis is less than 3 percent.

14) All known adverse events following administration of vaccines shall be investigated, and a Vaccine Adverse Events Reporting System (VAERS) form (see Section 615, Appendix A) shall be completed and submitted to the Department.

15) Qualified personnel shall be available to conduct activities pursuant to this Section. Program management personnel shall complete the Centers for Disease Control home study course on communicable disease control or equivalent approved by the Department within six months of conducting activities, and shall attend at least one related classroom training program annually.

16) Records which contain information which identifies or could lead to the identity of cases, case contacts, counseling clients, screening participants, or vaccine recipients shall be strictly confidential and shall not be released except as provided in applicable State and federal statutes and rules or with written consent of the person to whom the records related.

d) Notwithstanding activities conducted pursuant to subsection (c) of this Section, local health departments shall adhere to the requirements of the Control of Communicable Diseases Code (77 Ill. Adm. Code 690), the Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693), and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697).

e) The annually negotiated percentages agreed upon between the Department and the local health department for activities described in subsection (c) of this Section shall be based on current status of disease in the jurisdiction, resources (local, State, and federal) available to the local health department, federal initiatives and national ("Healthy People 2000") goals. The annually negotiated percentages shall not result in a lower overall rate of completion of each activity than the overall rate achieved in the previous year.

f) Documentation of activities conducted pursuant to this Section shall be maintained by the local health department for a minimum of five years after the completion of the grant period, and shall be available for review by the Department upon request.

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Section 615.310 Food Protection

- a) In order to protect the citizens within its jurisdiction from contracting and transmitting foodborne diseases, the local health department shall perform a comprehensive food protection program.
- b) The local health department shall undertake the following activities to identify, reduce, and whenever possible, eliminate factors which may cause foodborne illnesses in order to reduce the incidence of foodborne illnesses.

- 1) Programs shall be conducted in accordance with a local ordinance that incorporates by reference or includes provisions at least as stringent as the Department's Food Service Sanitation Code and Retail Food Store Sanitation Code (77 Ill. Adm. Code 750 and 760) and includes enforcement authority, or in accordance with a written agreement with the Department which designates the local health department as an agent of the Department.

- 2) Current listings of all food service establishments and retail food stores as defined in the Food Service Sanitation Code or the Retail Food Store Sanitation Code shall be identified and maintained.

- 3) For each facility, the local health department shall assess the relative risks of causing foodborne illness; classify each facility as high risk, medium risk, or low risk; and annually verify the classification of each facility.

A) "High risk" means that a facility presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. The following criteria shall be used to classify high risk facilities:

- i) whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;
- ii) when potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- iii) if potentially hazardous foods which have been previously cooked and cooled must be reheated;
- iv) when preparing potentially hazardous food for off premises service for which time temperature requirements during transportation, holding and service are relevant;

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- v) whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready-to-eat foods, occurs as part of the food handling operations at the facility;
- vi) if vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- vii) whenever serving immunocompromised individuals, where these individuals comprise the majority of the consuming population.

B) "Medium risk" means that a facility presents a medium relative risk of causing foodborne illness based upon few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify medium risk facilities:

- i) If hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
- ii) If preparing foods for service from raw ingredients uses only minimal assembly; and

- iii) foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from approved food processing plants, (high risk) food service establishments or retail food stores.

C) "Low risk" means a facility presents a low relative risk of causing foodborne illness based upon few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify low risk facilities:

- i) only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;
- ii) only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- iii) only beverages (alcoholic or non-alcoholic) are served at the facility.

D) The Department recognizes that the local health department's experience

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with a facility is an important factor in assessing the relative risk of foodborne illness for the public. A local health department may reclassify a facility based upon its experience with the facility (e.g., inspection history, number and frequency of violations and their severity, corrective action, etc.) if, in its opinion, a health hazard will not result from such reclassification or such reclassification will provide better protection for the public. The basis for this decision must be documented and be available for Department inspection.

- 4) Facilities shall be inspected at least as often as prescribed by the following schedule. Inspections of all facilities shall include Hazard Analysis Critical Control Point (HACCP) concepts in accordance with Section 750.10 of the Food Service Sanitation Code.

- A) High risk facilities shall receive three inspections per year, or two inspections per year if one of the following conditions is met:
- i) a certified food service manager is present at all times the facility is in operation; or
 - ii) employees involved in food operations receive a HACCP training exercise, in-service training in another food service sanitation area, or attend an educational conference on food safety or sanitation.

- B) Medium risk facilities shall receive one inspection per year.

- C) Low risk facilities shall receive one inspection every two years.

- 5) Plan reviews and pre-operational inspections shall be conducted, as appropriate, for new and extensively remodeled facilities.

- 6) Follow-up inspections, consultation and enforcement actions shall be conducted as necessary to ensure correction of deficiencies and violations of applicable ordinances, agreements, or rules.

- 7) A surveillance and control system shall be established to monitor, identify and record instances of foodborne disease; to detect sources of contamination; to establish factors that contribute to outbreaks; and to recommend preventive and control measures and take appropriate action to prevent further spread of disease. Hazardous food shall be identified and its distribution shall be restricted in accordance with procedures that include the following:

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- A) identification of and prohibition against foods that are unsafe and pose a potential threat to health and safety;
- B) hold or embargo authority, criteria for destruction of adulterated or contaminated foods, and notification of recalls;
- C) investigation of facilities upon receipt of complaints following events such as fire, natural disaster, and other occurrences which may compromise food safety; and
- D) establishment of a system to encourage community reporting of foodborne illness to the local health department, which will notify the Department within 24 hours of occurrence.

- 8) Information shall be provided to the general public concerning prevention of foodborne illness and describing proper ways for storing, preparing, canning, preserving, and serving food. Information shall be made available to primary and secondary schools to instruct children regarding food sanitation and personal hygiene as it relates to food safety.

- 9) A program, which is designed especially for food establishment managers and personnel, shall be provided which describes the proper ways of storing and preparing food and the necessity for reporting illness.

- 10) Self-evaluation/quality assurance reviews shall be conducted annually to determine compliance with this Section and to evaluate the effectiveness of food protection activities within the jurisdiction of the local health department

- 11) A written report of the self-evaluation/review shall be prepared and submitted to the Department annually and shall include the following

- A) number and percent of facilities having operations that frequently contribute to foodborne disease outbreaks (i.e., high risk facilities)
- B) number and percent of facilities with identified factors or violations that could contribute to foodborne disease outbreaks;
- C) average number of factors or violations per food establishment which could contribute to foodborne illness.

- 12) Qualified personnel shall be available for the local health department to conduct activities pursuant to this Section.

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- 1) At least one supervisor or training officer shall be standardized and certified biennially in food safety practices and food sanitation by the United States Food and Drug Administration (FDA) certified State Evaluation Officers.
- 2) New program staff shall complete either a Department provided or Department approved initial orientation and training program during the first year of employment.
- 3) All personnel shall attend at least five hours of Department approved training each year. Attendance at either a Department provided or Department approved orientation and training program, as required in subsection (c)(2) of this Section, shall fulfill this requirement for the year of attendance.
- d) Documentation of activities conducted pursuant to this Section shall be maintained by the local health department for a minimum of five years after the completion of the grant period, and shall be available for review by the Department upon request.

Section 615.320

Potable Water Supply

- a) In order to protect the people within its jurisdiction from contracting and transmitting waterborne disease, the local health department shall establish a program to assure provision of safe, potable supplies of water for drinking, culinary, and sanitary purposes. The focus of this potable water supply program shall be non-community, semi-private and private water supplies; however, during a water emergency requiring public notice, the local health department should assure provision of potable water for all of its constituents.
- b) The following activities shall be provided by the local health department to ensure an effective potable water supply program:
 - 1) The potable water supply program shall be conducted pursuant to a local ordinance that incorporates by reference the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925) and includes enforcement authority, or pursuant to a written agreement with the Department which designates the local health department as an agent of the Department.
 - 2) Current listings of names and addresses of all non-community public water supplies shall be maintained, and the Department shall be notified on forms provided by the Department within 30 days after the date the local health department becomes aware of any address or ownership changes.
 - 3) A routine water sampling program shall be established and maintained for all non-community public water supplies in accordance with the Drinking Water

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Systems Code (77 Ill. Adm. Code 900).

- 4) All non-community public water supplies which have been originally surveyed shall be inspected and sampled at least every two years. A copy of all completed inspection reports indicating results of samples collected at the time of inspection and results of all samples collected since the last inspection, along with Department data forms, shall be forwarded to the Department within 14 days after completion of an inspection.
- 5) The owner of any non-community public water supply that is not in conformance with the construction, location, and operational (including sampling) requirements of the Drinking Water Systems Code shall be notified of the violations and ordered to correct them within a specified time. At the end of this time, a reinspection shall be made to ensure that all violations have been corrected. If they have not been corrected, enforcement action shall commence.
- 6) All requests for inspection or sampling pertaining to any existing semi-private or private water supply under the local health department's jurisdiction shall be evaluated regarding its public health significance. Requests determined to have a valid public health purpose shall be inspected within 7 days and a written report shall be made, as follows:
 - A) Semi-private water supplies shall be inspected and sampled upon request of the owner or occupant. The owner and occupant shall be informed of the results of the inspection and any sample analyses. If the water supply is not in conformance with the Public Area Sanitary Practice Code (77 Ill. Adm. Code 895) the owner shall be notified of the violations and ordered to correct them within a specified time. At the end of this time, a reinspection shall be made to ensure that all violations have been corrected. If they have not been corrected, enforcement action shall commence.
 - B) Existing private water supplies shall be inspected and sampled upon request of the owner, who shall be informed of the results of the inspection, interpretation of sample analyses, and recommended measures to correct all problems or violations of the Illinois Water Well Construction Code, Surface Source Water Treatment Code (77 Ill. Adm. Code 930) or the Illinois Water Well Pump Installation Code.
 - C) A permit shall be issued prior to the construction of any new water well, after review and determination that the application and proposed construction are in compliance with the Illinois Water Well Construction Code or approved ordinance. Within 30 days after issuing each water well permit, the local health

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department shall submit to the Illinois State Water Survey the information listed in Section 920.130(b) of the Illinois Water Well Construction Code. A permit to construct a well to serve a non-community public water system shall be issued only after the Department has first permitted all other aspects of the non-community system, as required in the Drinking Water System Code.

8) At least one inspection of all new water wells for which a permit has been issued shall be conducted. A sample shall be collected from all new potable water wells, unless the local health department ensures that the homeowner or his agent will collect and submit a sample to a certified laboratory. The owner shall be informed of the results of the inspection, interpretation of sample analyses, and recommended measures to correct all problems or violations of the Illinois Water Well Construction Code, the Surface Source Water Treatment Code, or the Illinois Water Well Pump Installation Code. All violations shall be corrected or enforcement action shall be initiated.

9) Information concerning water sampling; design, construction and operation of water supplies; and hazards of cross-connections shall be provided to the public upon request. Such education may be in the form of oral presentations or may include the distribution of materials provided by the Department or by the local health department concerning these topics.

10) Written variances shall be issued for all private, semi-private, and non-community public water supplies in accordance with variance requirements of the applicable rules of the Department, and a copy of the variance that includes the rationale for any variance shall be submitted to the Department on a quarterly basis.

11) Property owners shall be advised of the requirements and need for proper sealing of abandoned wells; where a new well is being constructed to replace an existing well, this advice may be provided to the property owner by the licensed well driller. The sealing of all abandoned wells shall be inspected and all located abandoned wells shall be determined to have been properly sealed in accordance with the Illinois Water Well Construction Code, or enforcement action shall be taken.

12) All water well construction logs and all water well sealing forms shall be submitted to the Illinois State Water Survey within 30 days after receipt. By February 1 of each year, the local health department shall submit to the Department a summary of all permits issued and wells sealed during the previous calendar year.

13) Any person who has drilled a water well within the jurisdiction of the local

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health department without being properly licensed in accordance with the Illinois Water Well Contractors Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 7101 et seq.) (225 ILCS 245) shall be referred to the Department. The local health department shall also provide the Department with a copy of correspondence to any well driller or pump installer concerning violations of the Illinois Water Well Construction Code and the Illinois Water Well Pump Installation Code.

14) A disease surveillance system that monitors and identifies instances of waterborne disease, detects sources of contamination, establishes factors that contribute to outbreaks, recommends preventive and control measures and takes appropriate action to prevent further spread of disease shall be established. The system shall promote notification of waterborne illness to the local health department, which in turn shall notify the Department within 24 hours.

c) Qualified personnel shall be available to conduct activities pursuant to this Section.

1) New program staff shall complete a Department provided initial orientation and training program during the first year of employment.

2) All personnel shall attend at least three hours of Department approved training annually.

d) Documentation of activities conducted pursuant to this Section shall be maintained by the local health department for a minimum of five years after the completion of the grant period, and shall be available for review by the Department upon request.

Section 615.330 Private Sewage Disposal

a) In order to protect the people within its jurisdiction, the local health department shall establish a program to prevent the transmission of disease organisms, environmental contamination, and nuisances resulting from improper handling, storage, transportation and disposal of sewage from private sewage disposal systems.

b) The following activities shall be provided by the local health department to ensure an effective private sewage disposal program:

1) The program shall be conducted pursuant to a local ordinance that incorporates by reference or includes provisions at least as stringent as the Private Sewage Disposal Code (77 Ill. Adm. Code 905) and includes enforcement authority, or pursuant to a written agreement with the Department which designates the local health department as an agent of the Department.

2) In coordination with appropriate State and local agencies, long and short range

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plans should be developed to guide private sewage disposal system use for the protection of the environment and protection of the health of the people within its jurisdiction.

- 3) For all land platted after January 1, 1988, all subdivision plats which are to utilize private sewage disposal systems shall be reviewed and approved.
 - 4) All new, altered, repaired or replaced private sewage disposal systems shall be reviewed and approved prior to construction as provided in the Private Sewage Disposal Code or in local ordinances.
 - 5) Inspections adequate to confirm that systems conform to application plans and specifications shall be conducted of all private sewage disposal system installations. An inspection form with a drawing of the system shall be completed.
 - 6) To ensure that septage within the local health department's jurisdiction is properly transported, stored and disposed of, an annual evaluation of all septage hauling equipment, storage facilities and land disposal sites shall be conducted.
 - 7) Complaints of improper private sewage disposal shall be investigated within 10 working days.
 - 8) When deficiencies have been identified, voluntary compliance shall be sought in accordance with the ordinance or agreement.
 - 9) Continued noncompliance shall result in enforcement action in accordance with the ordinance or agreement.
 - 10) Educational materials regarding the proper handling and disposal of sewage shall be made available to the public upon request.
- c) Qualified personnel shall be available to conduct activities pursuant to this Section.
- 1) New program staff shall complete a Department provided initial orientation and training program during the first year of employment.
 - 2) All personnel shall attend at least three hours of Department approved training annually.
- d) Documentation of activities conducted pursuant to this Section shall be maintained by the local health department for a minimum of five years after the completion of the grant period, and shall be available for review by the Department upon request.

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Section 615.340 Common Requirements

All activities performed under this Part shall be governed in all respects by the laws of the State of Illinois. Personnel performing the programs described in this Subpart shall meet the applicable requirements of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60]; the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3510 et seq.) [225 ILCS 65]; and the Environmental Health Practitioner Registration Act [225 ILCS 37].

SUBPART D: DUE PROCESS

Section 615.400 Denial, Suspension or Revocation of Grant Application or Grant Agreement

- a) The Director, after notice and opportunity for hearing, may deny the application for grant funds or suspend or revoke the grant agreement of any local health department in any case in which the Director finds substantial or continued failure to comply with this Part. If, however, the Director finds that the public interest, health, safety, or welfare requires emergency action and if the Director incorporates a finding to that effect in the order, summary suspension of a grant agreement may be ordered pending proceedings for revocation. Such proceedings shall be promptly instituted and promptly determined.
- b) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the local health department with an opportunity to request a hearing. If a written hearing request is not received within 10 days after receipt of the notice by the local health department, the right to a hearing is waived.

Section 615.410 Procedures for Hearings

The Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100, shall apply to all proceedings conducted under this Part and any grant agreement executed pursuant to this Part.

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

INTRODUCTION

a) The policies and procedures contained in this publication are a standardized guide for health care personnel who have a role in ensuring children and adults are protected against the vaccine-preventable diseases. It is recognized that local health board policies may warrant minor deviations from these guidelines.

b) The policies and procedures found within are in accordance with the recommendations of the U.S. Public Health Service's Immunization Practices Advisory Committee (ACIP), American Academy of Pediatrics (AAP) and/or the Illinois Department of Public Health (IDPH). It is important to refer to the ACIP recommendation for additional information about each of the recommended vaccines. Clinic personnel should also consult the manufacturers' package enclosures for instructions regarding storage, handling, dosage and administration of specific vaccines.

c) It is recommended that the contents of this publication be placed into a loose-leaf binder to permit insertion of updated information that may be periodically issued.

d) It is the responsibility of all clinic staff to be familiar with the contents of this manual.

e) Not all vaccines included in this publication are provided by the Illinois Department of Public Health (e.g., Enhanced-Potency Inactivated Poliovirus Vaccine, Influenza and Pneumococcal Polysaccharide Vaccines). Some vaccines provided by the Illinois Department of Public Health are limited to certain age groups and high-risk groups (Hepatitis B Vaccine).

GENERAL POLICIES

a) Policies for immunizations shall be established and reviewed annually by the nursing director, medical advisor and local health board. The medical advisor shall review and sign annually the medical/standing orders. A copy of the policies and orders shall be available at each clinic site. A standing order shall designate specifically who can administer vaccine and implement standing orders.

b) Medical orders shall be supplemented as needed with the recommendations of the U.S. Public Health Service Immunization Practices Advisory Committee (ACIP). Please note that the vaccine manufacturers' package inserts are acceptable sources of information concerning vaccine storage, reconstitution and administration, but they should not be used for determining contraindications since they may not be consistent with the ACIP and American Academy of Pediatrics (AAP) recommendations.

c) A clinic manual containing up-to-date ACIP recommendations shall be available for staff to use as a reference.

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- d) Clinics shall be conducted at times and places that assure convenient access to clients.
- e) Clinic staff should consist of at least one registered nurse (R.N.) in charge of the clinic, at least one other adult to assist the nurse, and additional adult assistants depending on the number of persons to be served. All clinic personnel should receive an orientation to immunization policies, procedures and emergency care. It is recommended that the person administering the vaccine be an R.N.
- f) Written emergency procedures shall be readily available and visible to clinic staff in each room where vaccine is administered. The name and phone number of the physician on-call must be indicated on the form.
- g) A clinic emergency kit shall be available and staff shall be aware of its location. At least one individual should be designated to check and update the contents of the kit every month.
- h) Health histories shall be taken on each client before administering a vaccine. Routine physical examinations or temperature determination are not prerequisites for vaccinating infants and children who appear to be in good health. Asking the parent or guardian if the child is ill, postponing vaccination in those with moderate or severe febrile illnesses and immunizing those without contraindications to vaccination are appropriate procedures for childhood immunization.
- i) When medical advice is needed to determine if a particular individual should be vaccinated, the person's physician shall be consulted. The agency's medical advisor may also be consulted.
- j) Individuals who have a condition that necessitates special caution due to the potential for an adverse event (e.g., unstable neurologic conditions, congenital immunodeficiencies, malignancies or receiving immunosuppressive therapy) or contraindicates receipt of a particular vaccine shall be referred to their private physician for appropriate immunization. A vaccination requested by a private physician on referral, but that is contraindicated per these policies and procedures shall not be administered, and the physician shall be informed accordingly.
- k) Each parent or legal guardian of a child to be immunized will be informed of possible adverse reactions to the particular vaccine administered and instructed to contact the clinic and/or the child's physician in the event of a suspected adverse reaction. All adverse reactions meeting the requirements set forth by the Vaccine Adverse Event Reporting System form, "Standards for Pediatric Immunization Practices," National Center for Prevention Services, Information Services Mail Stop E-06, Centers for Disease Control and Prevention, Atlanta, Georgia 30333 4018, shall be documented and reported to the IDPH.

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

- l) The most current "Vaccine Information Pamphlet" (V.I.P.) or "Important Information Statement" (I.I.S.) for the specific vaccine to be administered shall be provided to clients. Signed acknowledgment that the clients has read the form(s) shall be obtained from each individual to be immunized, or from the parent or legal guardian for a minor child. The client receives the informational portion of the forms and the health care provider retains the signed acknowledgment for at least 10 years.
- m) The agency should contact the local state's attorney for an opinion on who can legally sign the "V.I.P." or "I.I.S." for a minor in lieu of the parent or legal guardian.
- n) For each vaccine administered, clients shall receive a personal immunization record (Illinois Immunization Record Card), or have their existing record updated. Encourage clients to preserve these records.
- o) The agency shall maintain a record of each client's immunization history. The agency should develop a tickler file system to identify children's future immunization needs and to contact parents to remind them their children require immunization. The clinic should periodically evaluate the effectiveness of its recall/reminder system.
- p) The clinic shall submit the "Vaccine Accountability Form" and "Vaccine Request Form" to appropriate IDPH Regional Immunization Program staff no later than the 5th of each month. The IDPH Central Office must receive the form from Regional Immunization Program staff by the 10th of each month.
- q) There is no objection to home administration of vaccines provided the procedure is consistent with standing orders or other medical orders and all procedures related to vaccine handling, explanation of benefits and risks of immunization, precautions, contraindications and emergency provisions are adhered to.
- r) The agency shall prominently display information indicating that no one will be denied an immunization for failure to pay the administration fee or make a donation.
- s) The agency shall administer immunizations according to a schedule that complies with ACIP and/or IDPH recommendations.
- t) Pregnancy in a parent or household contact of any person needing immunization(s) is not a contraindication for administering a vaccine.
- u) The public will be informed of immunization services by pamphlets, news releases and interviews, notification, and referral.
- v) The agency will use the "Standards for Pediatric Immunization Practices," National Center for

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Prevention Services, Information Services Mail Stop E-06, Centers for Disease Control and Prevention, Atlanta, Georgia 30333-4018, in developing policies and practices for providing immunization services. These standards represent the ideal principles to reach the goal of completely immunizing at least 90% of all children by their second birthday.

CLINIC PROCEDURES

a) Interviewing Prior to Vaccine Administration

- 1) Use a written contraindication checklist to standardize the screening of vaccine recipients prior to immunization.
- 2) Determine vaccines needed and record these on appropriate forms.
- 3) Flag the records of children who have immunizations postponed to remind clinic staff to complete the immunization schedule at the next available opportunity.
- 4) When administration of a vaccine normally given in a series of doses is interrupted, do not restart the series; continue the sequence to completion of the schedule. Interrupting the recommended schedule does not reduce the level of immunity reached on completion of the primary series. If no specific vaccination history is available, start the series from the beginning. Make every effort to retrieve a record of the patient's immunization history before starting the series over.

- 5) Obtain a history of allergies. Refer individuals allergic to any of the specific vaccine components listed on the "V.I.P.", "I.I.S." or package insert to their private physician for appropriate evaluation and disposition regarding administration of vaccine.

- 6) Persons with a history of anaphylactic reactions (swelling of the mouth and throat, difficulty with breathing, hypotension and shock) following egg ingestion should receive vaccines grown in cell cultures of chick embryo (measles, mumps, yellow fever and influenza vaccines) only with extreme caution. Asking persons whether they can eat eggs without adverse reactions is a reasonable way to screen for those who might be at risk to reactions, due to egg allergy, from measles, mumps, yellow fever and influenza vaccines.

- 7) Individuals who have experienced a DTP reaction, which may contraindicate additional doses, require a full medical evaluation before subsequent doses of DTP vaccine. If referring to a physician, inform clients that pediatric DT vaccine is not a state-supplied biologic.

- 8) Minor, non-febrile illnesses, such as upper respiratory infections, do not contraindicate

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

vaccination. If fever is suspected, measure temperature as appropriate. For the child with an acute illness, base immunization on a medical evaluation of the child's illness.

- 9) Antibiotic therapy is not, in itself, a contraindication to receiving a vaccine.

- 10) For postpubertal females in need of MMR (or any combination of measles, mumps and rubella) vaccine, observe reasonable precautions: (1) ask the women if they are pregnant, (2) exclude those who say they are and (3) explain the theoretical risk of teratogenicity from rubella vaccination and counsel them not to become pregnant for three months after vaccination. These vaccines can be administered safely to the children of pregnant women, since persons immunized with MMR vaccine can shed, but not transmit these viruses.

- 11) Have the individual (if at least age 18 or an emancipated minor), or the parent or legal guardian for a minor child, read and sign the appropriate "V.I.P." or "I.I.S."

- 12) If an individual is scheduled to receive OPV, inquire whether the individual or any household contact has an altered immune system. Since OPV is a live virus vaccine, which can be excreted in the stool (feces) for 4 to 6 weeks after vaccine receipt, administration of OPV to an immunosuppressed person, or those who reside with them, is medically contraindicated. Stress the importance of family members practicing proper handwashing techniques during this period.

b) Signing and Completing the "V.I.P." and "I.I.S." (Informed Consent):

- 1) Use the most recent "V.I.P." or "I.I.S."
- 2) The parent or legal guardian must sign the "V.I.P." or "I.I.S." As stated under the "General Policies" section, the agency should have a policy designating who can sign this pamphlet or form in lieu of the parent or legal guardian.

[AGENCY NOTE: Individuals with foster children must contact the Department of Children and Family Services for written authorization for immunization prior to the clinic visit.]

- 3) Give the parent or legal guardian a reasonable length of time to read the "V.I.P." or "I.I.S." Ask if they have read the "V.I.P." or "I.I.S." and give them an opportunity to ask questions.

- 4) The parent or legal guardian should sign the last page of the "V.I.P." or the bottom portion of the "I.I.S." in ink prior to vaccine administration. The signature should be legible.

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

- 5) Retain the signed portion of the "V.I.P." (Vaccine Administration Record) or "I.I.S." in the client's records for at least 10 years.

- 6) Indicate the name of the clinic and phone number in the designated area on the "V.I.P." or on the "I.I.S."

c) Health Information Related to Immunization Should Include:

- 1) Information about the risk of disease and corresponding benefits of immunization against the disease. Copies of the "Who Needs Them - Everybody" pamphlet, or one with similar information, should be available for distribution.
- 2) The approximate length of protection of immunizing agents, the number of booster doses and the interval of their administration.
- 3) Written information about possible reactions or complications and procedures to follow if they occur, including a telephone number for reporting significant reactions.
- 4) Information regarding pain and fever control.

- 5) The date (month, day and year) and specific type(s) of vaccine administered entered on the standard "Illinois Immunization Record Card" (or its equivalent) or added to the parent's existing record card, and the importance of keeping immunization records and bringing them to each immunization visit.

- 6) The approximate return date for the next immunization (if applicable). If the clinic administers immunizations on an appointment basis, stress the importance of keeping the scheduled immunization appointment. Remind the parent or legal guardian to contact the clinic to reschedule the appointment cancelled due to the child's illness on the scheduled immunization date.

d) Administration of Immunizing Agents

- 1) Healthy Individuals

- A) No immunizations will be administered to anyone under 6 weeks of age.
- B) One or more inactivated agents and one or more live, attenuated viral agents can be administered simultaneously at separate anatomic sites with the precautions that apply to each individual agent.
- C) There are theoretical concerns that the immune response to one live-virus

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vaccine might be impaired if given within 4 weeks of another. Live-virus vaccines, such as MMR, OPV, and yellow fever, not administered on the same day should be given at least 4 weeks apart.

- D) Adhere to the following guidelines for spacing live and killed antigens when administering the various vaccines:

Antigen combination	Recommended minimum interval between doses
≥ 2 killed antigens	None. May be given simultaneously or at any interval between doses.
Killed and live antigens	None. May be given simultaneously or at any interval between doses.
≥ 2 live antigens	4-week minimum interval if not administered simultaneously.

- E) Simultaneous administration of DTP #4, OPV #3, MMR #1 and HbCV #4 is recommended for children 15 months of age and older who are overdue for their first dose of MMR or whose return at 18 months is doubtful.

[AGENCY NOTE: Administration of MMR #1 and HbCV #4 at 15 months and DTP #4 and OPV #3 at 18 months continues to be an acceptable alternative, especially for children with care givers generally compliant with other health care recommendations.]

- F) MMR vaccine (or vaccines containing these antigens) should not be given for at least 6 weeks, and preferably for three months, following the administration of immune globulin (IG). Inactivated vaccines can be given simultaneously or at any time before or after use of an IG product.

- G) TB skin testing may be done simultaneously with measles (MMR) vaccination, but should not be done for 4 to 6 weeks after administration of measles antigen. Live-virus vaccines, except oral polio, can interfere with the response to a tuberculin test

- H) Whenever feasible, a client who is likely to be susceptible to measles and/or rubella and/or mumps should receive simultaneous vaccinations against as many of these as apply. MMR is the preferred vaccine. Several studies have shown that mumps can occur in highly vaccinated populations, resulting in substantial numbers of cases among persons with histories of prior mumps

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vaccination. Although rubella vaccine failure has not been a major problem, the potential consequences of vaccine failure are substantial (e.g., congenital rubella syndrome), and MMR should provide an additional safeguard against such failures.

- I) Routine polio immunization shall be accomplished with oral polio vaccine (OPV) except in individuals for whom OPV is contraindicated (e.g., immunodeficient patients and their household contacts). Enhanced-potency inactivated polio vaccine (E-IPV) is indicated for children with contraindications to OPV. Agencies that do not have E-IPV available at their clinic should refer immunodeficient patients to their personal physician for vaccination. Household contacts of immunodeficient individuals should also receive E-IPV.
- J) Children should be immunized with oral polio vaccine even if the parents never received polio vaccine. Parents should be provided with information that the unimmunized parent of an immunized child is at a very small risk of developing vaccine-associated paralysis. Ensuring prompt and complete immunization of the child is of overriding importance.
- K) Choose the site for intramuscular (IM) injections based on the volume of the material to be injected and the size of the muscle into which it is to be injected. In children younger than 1 year, the anterolateral aspect of the thigh is the largest muscle and the preferred site. In older children, the deltoid muscle is usually large enough for IM injection. Some physicians prefer to use the anterolateral thigh muscles for toddlers. Parents and children, however, often prefer the deltoid muscle for children 18 months and older because of less discomfort in the affected extremity and in ambulating. The upper, outer aspect of the buttocks should not be routinely used as a site of immunization for infants, children or adults because of the risk of injury to the sciatic nerve. For most IM injections, a 1 inch to 1 1/2 inch 22 or 23-gauge needle is recommended. Although use of a shorter needle may be possible for a lean infant, child or adult, a minimum of 1 inch is recommended to ensure delivery of the vaccine intramuscularly and not into the subcutaneous tissue. (Package inserts of the various vaccines provide recommended route and site(s) of administration.)
- L) Subcutaneous (SC) injections can be given in the anterolateral aspect of the thigh or the outer aspect of the upper arm by inserting the needle in a pinched-up fold of skin and subcutaneous tissue. An acceptable alternative site for toddlers is the fatty area of the anterolateral thigh (subcutaneous tissue). A 25-gauge needle 5/8 inch to 3/4 inch long is recommended. (Package inserts

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of the various vaccines provide recommended route and site(s) of administration).

- M) Administration of volumes of vaccine less than those recommended, such as split doses, can result in an inadequate response and leave the recipient susceptible. If a specific contraindication to DTP vaccine exists, the vaccine should not be given.
 - [AGENCY NOTE: The serologic response, clinical efficacy, and/or frequency and severity of adverse reactions due to variations in the recommended volume are not known.]
 - N) For all SC and IM injections, aspirate after inserting the needle, but before injecting the vaccine. Pull back on the plunger slightly to make sure the needle has not entered a vein. If blood appears in the syringe, withdraw the needle and apply pressure to the puncture site to discourage bleeding. Insert the needle at another site and aspirate again, repeating the above process, if needed.
 - O) The clinic nurse administering the vaccine, if different than the screener, should review the client's record again.
 - P) Complete the "For Clinic Use Only" portion of the "V.I.P." and "I.I.S." and retain it in the client's record. Provide the rest of the "V.I.P." or "I.I.S." to the client and/or parent or legal guardian for informational purposes. Indicate the clinic's name and phone number at the conclusion of the "V.I.P." or "I.I.S." text. Instruct the client to notify the clinic if an unusual reaction occurs or questions arise.
- 2) Immunocompromised Individuals
- Special consideration shall be given to immunocompromised children, such as those with congenital immunodeficiencies, HIV infection or malignancy, and recipients of immunosuppressive therapy.
- A) If polio immunization is indicated for immunosuppressed patients, their household members or other close contacts, these persons should be given IPV rather than OPV.
 - B) Short-term, low-to-moderate dose systemic corticosteroid therapy (less than 2 weeks); topical steroid therapy (e.g., nasal, skin); long-term alternate-day treatment with low to moderate doses of short-acting systemic steroids and

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intra-articular, bursal or tendon injection with corticosteroids are not immunosuppressive, and usual doses do not contraindicate live-virus vaccine administration. However, avoid live virus vaccines if systemic immune suppression results from prolonged oral or topical application. Refer children on long-term steroid therapy to their private physician.

3) Reimmunization

- A) There is no known risk in revaccinating persons already immune to any of the components of the MMR vaccine.
- B) Anyone with an uncertain or non-documented vaccine history should be reimmunized.

C) Reimmunization is necessary if the patient:

- i) received killed measles vaccine
- ii) received an unknown type of measles vaccine prior to January 1, 1968
- iii) received live virus measles vaccine with immune globulin
- iv) received single antigen measles, mumps and/or rubella vaccine, or any combination of them, before the first birthday.

D) Illinois law requires a second dose of measles vaccine, preferably in the form of MMR vaccine, for the following individuals:

- i) Children entering the 5th grade for the first time after July 1990
- ii) Children entering the 9th grade for the first time after July 1991
- iii) Children entering at any grade level (K-12) after July 1993
- iv) Students entering a post secondary educational institution for the first time after July 1990.

- e) The following recommendations should be followed for the immunization of HIV-infected children:

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Known HIV Infection

Vaccine	Asymptomatic		Symptomatic	
	yes	no	yes	yes
DTP	yes	no	yes	no
OPV	yes	yes	yes	yes
IPV	yes	yes	yes*	yes*
MMR	yes	yes	yes	yes
HbCV	yes	yes	yes	yes
Pneumococcal	yes	yes	yes	yes
Influenza	no**	no**	yes	yes

*Should be considered.

**Not contraindicated. May be considered when special indications exist.

- f) In general, live virus vaccines should be administered no less than 3 months after all immunosuppressive therapy has been discontinued.

g) Care and Storage of Biological Products

- 1) Store all biologicals according to the manufacturer's instructions during non-clinic hours. Maintain vaccines that require refrigeration at a temperature of 35° to 46° F. (2° to 8°C.). No biologicals should be stored in the refrigerator door.
- 2) Monitor refrigerator temperatures at least weekly, preferably by utilizing a working, reliable temperature chart recorder. Change the chart weekly. Periodically check the readings of the temperature chart recorder against that of an accurate thermometer and calibrate accordingly.
- 3) Transport biologicals in insulated containers with ice packs. Keep biologicals removed from refrigeration for the duration of a clinic session in a covered container with ice packs.
- 4) Administer no biologicals beyond the expiration date. Check expiration dates of biologicals at least monthly and rotate stock to avoid outdated. Make contact with the IDPH Regional Immunization Program Specialist at least 1-2 months in advance if any short dated vaccine will not be used.
- 5) Incubate, or autoclave, crush and then discard all biologicals that have expired or otherwise spoiled in a sanitary landfill. The incinerator should be one approved by the EPA for destruction of hazardous waste.

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- 6) Use all biologicals requiring reconstitution within the appropriate time period (e.g., 8 hours for MMR vaccine) after reconstitution, or discard. Keep reconstituted MMR (or vaccines containing these antigens) chilled and protected from light.
- 7) Prepare all individual doses of vaccine immediately before administration, and not at the beginning of the clinic. In the event they must be pre-filled for a mass clinic, fill the syringes immediately prior to the clinic. Store filled syringes in separate or divided containers or trays with type of vaccine clearly marked. Containers should be kept in the refrigerator or in an insulated cooler with a cold pack (e.g., frozen blue ice) at all times. Cover MMR vaccines to protect them from light.
- 8) Post a copy of the "Vaccine Storage and Handling Recommendations" on the refrigerator door housing the vaccine.
- 9) Follow the package insert instructions for those vaccines not routinely given at public clinics (e.g., yellow fever, cholera, etc.). Designated yellow fever vaccination centers should store the yellow fever vaccine at temperatures between 5° C (41° F) and minus 30° C (-22° F) -- preferably frozen, below 0° C (32° F) -- until it is reconstituted. Multiple-dose vials of reconstituted vaccine should be held at 5° to 10° C (41° to 50° F); unused vaccine should be discarded within 1 hour after reconstitution.

h) Care and Disposal of Syringes and Needles

- 1) Syringes and needles for vaccine injections must be sterile and should be preferably disposable to minimize the opportunity for contamination.
- 2) Disposable syringes and needles should be placed into specially labeled rigid, puncture-resistant containers located as close as practical to the area in which they were used. To prevent needlestick injuries, needles should not be recapped, purposefully bent or broken by hand, removed from disposable syringes or otherwise manipulated by hand. Contaminated syringes and needles must be incinerated or autoclaved prior to disposal according to Environmental Protection Agency regulations regarding hazardous waste. (35 Ill. Adm. Code 1420)

EMERGENCY PROCEDURES

If no physician is present at the clinic, all persons authorized to give immunizations must be instructed to treat allergic and non-allergic reactions according to medical/standing orders, which should include the following:

a) Local Reaction

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- 1) Symptoms: Bleeding and/or swelling at injection site.
- 2) Location: Injection site.
- 3) Cause: Mechanical.
- 4) Treatment: Apply a cold compress using cold water with or without ice to the site of swelling. If there is any bleeding, apply gentle pressure with a dry, sterile gauze square and/or apply a bandaid.

b) Psychological Reaction (fright resulting in fainting)

- 1) Symptoms: Slow heart rate, sweating with pallor and rapid improvement with treatment below.
- 2) Cause: Fear, apprehension, anxiety, etc.
- 3) Treatment: If a patient feels faint, have him lie flat and elevate his feet or sit and lower his head if possible. If he becomes unconscious, turn his head to the side. Keep the patient flat on his back and loosen clothing. See that fresh air reaches him. Do not give liquids. You may wave smelling salts or aromatic spirits of ammonia under nose. Improvement should be rapid. After consciousness returns, keep patient lying quiet for at least 15 minutes. If faint feeling or unconsciousness lasts for more than a few minutes, contact clinic physician.

[AGENCY NOTE: Try to remove anxious patients you suspect may faint from the view of others to be immunized. This will help prevent fright and possible fainting of others in the same area.]

c) Anaphylactic Shock

The term anaphylaxis encompasses all immediate systemic hypersensitivity reactions which may involve, in varying degrees, the skin, the respiratory tract, the cardiovascular system and the gastrointestinal system. (Adapted from the American Academy of Pediatrics, Redbook, 1991 edition)

- 1) Symptoms & Signs: The signs and symptoms of anaphylactic reactions vary and can be separated into those that are mild and involve the skin (pruritus, flush, urticaria, and angioedema) and those that are systemic. Systemic anaphylactic reactions are the most common, serious, and immediate reactions. Systemic anaphylaxis may occur within seconds to minutes after an injection of serum or vaccine; these reactions constitute a critical emergency. The signs and symptoms of systemic anaphylaxis, in addition to skin rash, include rhinitis and rhinorrhea, redness, edema, and tearing of the eyes; and serious and potentially life-threatening reactions such as bronchospasm, laryngeal edema, shock and cardiovascular collapse.

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- 2) Cause: Systemic allergic reaction with vasomotor collapse.
- 3) Treatment: Personnel administering vaccines (or other biologicals) should be prepared to treat anaphylaxis. This includes not only having the necessary medications on hand for immediate use, but also having immediate access to equipment to support the patency of the airway and to manage cardiovascular collapse. The competence of all staff should be at such a level that they can manage the situation properly. It is recommended that personnel be CPR trained.

A) Place individual flat on back without head support. Maintain an open airway by proper positioning and support of angles of the jaw. Keep mouth clear of secretions.

B) The emergency treatment of anaphylactic reactions is based on the type of reaction. However, in all instances, epinephrine is the primary drug. The mild symptoms of pruritus, erythema, urticaria and angioedema should be treated with epinephrine injected subcutaneously followed by diphenhydramine, hydroxyzine or other antihistamine given orally or parenterally. Epinephrine administration may be repeated within 15 to 20 minutes, either in the same or in a slightly smaller dose than given initially. If the patient improves under observation, without the progression of anaphylaxis, the attending physician may administer a long-acting epinephrine, and oral antihistamines may be given during the next 24 hours (in three or four doses).

C) More severe and potentially life-threatening systemic anaphylaxis may require intravenous epinephrine and additional medications following initial treatment with epinephrine.

D) A second person should telephone to summon the clinic physician on call or an alternate emergency medical service while the first dose of epinephrine is being given. In emergency situations, it is recommended that the paramedics be contacted first and then the clinic physician.

Telephone numbers:

CONTACT PERSON

EMERGENCY TELEPHONE NUMBER

Physician on call (Name)

Alternate Medical Service (Name)

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E) Check and record vital signs frequently.

F) Observe all patients showing signs and symptoms of anaphylaxis, regardless of severity, for several hours until the symptoms are under control and the physician establishes that the anaphylaxis is not progressing to more severe stages. Severe, systemic anaphylaxis usually requires prolonged observation and follow-up treatment (24 to 48 hours), even after stabilization.

Epinephrine (Adrenalin) in the Treatment of Anaphylaxis**

Subcutaneous or Intramuscular Administration

1. Epinephrine 1:1,000 (aqueous): 0.01 mL/kg body weight.
Usual dose is as follows:

infants:	0.05 - 0.1 ml, repeated every 15 to 30 minutes
children:	0.1 - 0.3 ml, repeated every 15 to 30 minutes
adults:	0.3 - 0.5 ml, repeated every 10 to 15 minutes

2. Long-acting epinephrine suspension (Sus-Phrine): 0.005 mL/kg per dose as a single dose. The usual dose in infants and children is one half that of epinephrine 1:1,000 (see above). This medication should be given for more prolonged effect only after initial management.

**In addition to epinephrine administration, maintenance of an airway is critical

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Dosages of Commonly Used Secondary Drugs
in the Treatment of Anaphylaxis

Drug	Dose
Diphenhydramine	Oral, IM: 1 mg/kg every 4-6 hours (50 mg maximum)
Hydroxyzine	Oral, IM: 10-25 mg every 4-6 hours
Prednisone	Oral daily ("burst") dose: 30, 25, 20, 15, 10, 5 mg (i.e., daily decrease); give entire dose each morning

[AGENCY NOTE: The preceding two tables were adapted from the American Academy of Pediatrics Redbook, 1991 edition, and are included in this publication to serve as general recommendations for use of epinephrine (adrenalin) in the treatment of anaphylaxis. Each agency should develop a specific policy for treatment of anaphylaxis in consultation with their medical consultant and utilizing the package insert included with the epinephrine (adrenalin).]

CHILDHOOD IMMUNIZATION SCHEDULE BASED ON ACIP AND/OR AAP RECOMMENDATIONS*
RECOMMENDED IMMUNIZATION SCHEDULE FOR HEALTHY INFANTS & CHILDREN

Age ^a	Immunizing Agents
2 months	DTP #1, OPV #1, & HbCV #1 ^b
4 months	DTP #2, OPV #2, & HbCV #2
6 months	DTP #3, HbCV #3
15 months	MMR #1, HbCV #4
15-18 months	DTP #4 ^c , OPV #3 ^c
4-6 years (at or before school entrance)	DTP #5, ^d OPV #4 ^e and MMR #2 ^f
14-16 years & every 10 years thereafter	Td

RECOMMENDED IMMUNIZATION SCHEDULE FOR INFANTS & CHILDREN
UP TO THEIR 7TH BIRTHDAY WHO WERE NOT IMMUNIZED AT THE RECOMMENDED TIME
IN THE FIRST YEAR OF LIFE

Timing	Immunizing Agents
Age at First Visit	
a. 2-14 months of age	DTP #1, OPV #1, & HbCV #1 ^g
b. 15 months of age or older	DTP #1, HbCV #1 ^h & MMR #1 ⁱ
Interval After First Visit	

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- a. 2 months after DTP #1, OPV #1 & HbCV #1
- b. 2 months after DTP #2, HbCV #2
- c. 6-12 months after DTP #3, HbCV #3
- d. 4-6 years of age (at or before school entry)

RECOMMENDED IMMUNIZATION SCHEDULE FOR
PERSONS 7 YEARS OF AGE OR OLDER WHO HAVE NOT
RECEIVED ANY VACCINES PREVIOUSLY

Timing	Immunizing Agents
First Visit	Td #1, OPV #1 ^j & MMR #1
Interval After First Visit	
a. 1 month after MMR #1	MMR #2 ^{f, k}
b. 2 months after Td #1, OPV #1	Td #2, OPV #2
c. 6-12 months after Td #2, OPV #2	Td #3, OPV #3
d. 10 years after Td #3 & every 10 years thereafter	Td

*Does not include recommended schedules for Hepatitis B vaccination. See the following tables for specific Hepatitis B vaccine recommendations.

a These recommended ages should not be construed as absolute (e.g., 2 months can be 6 to 10 weeks, etc.). The recommended HbCV immunization schedule outlined in these guidelines applies to the State-supplied product (HbOC-Ledette/Praxis).

b Ideally, the same conjugate vaccine should be used throughout the entire vaccination series (according to the schedule outlined in the following table). Any of the vaccines may be used for the 15-month dose. Currently, no data exists regarding the interchangeability of different conjugate vaccines with respect to safety, immunogenicity or efficacy.

c Administration of DTP #4 & OPV #3 at 18 months of age is an acceptable alternative if caregivers are generally known to be compliant with other health-care recommendations.

d If DTP #4 was administered after the 4th birthday, a 5th DTP is not necessary (DTP is required for school entrance up to the 6th birthday).

e If OPV #3 was administered after the 4th birthday, a 4th OPV is not necessary.

f School and college entrance immunization rules require all students entering the 5th grade for the first time after July 1990, entering the 9th grade for the first time after July 1991, entering at any grade level (K - 12) after July 1993 and those entering a post-secondary educational institution for the first time after July 1990 to be vaccinated with a second dose of measles vaccine. The MMR vaccine is preferred to assure immunity to all three diseases.

g See the following table for recommended vaccination schedule for HbCV vaccine.

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^h Children 15-59 months of age should receive only a single dose of HbCV vaccine.

ⁱ MMR should be given on first visit after child reaches 15 months of age.

^j The preschool (4-6 years of age) dose is not necessary if the 4th dose of DTP and 3rd dose of OPV are given on or after the 4th birthday.

^k Minimal interval between doses of MMR is 1 month.

^l OPV is not routinely given to those ≥ 18 years of age.

Immunization Schedule for Haemophilus influenzae
type b (HbCV) Vaccination

Vaccine	Age at 1st dose (mos.)	Primary series	Booster	Total number of doses for series
HibTITER (Lederle/Praxis) (HbOC)	2-6	3 doses, 2 mos. apart	15 mos.*	4
	7-11	2 doses, 2 mos. apart	15 mos.*	3
	12-14	1 dose	15 mos.*	2
	15-59	1 dose	None	1
PedvaxHIB (Merck Sharp and Dohme) (PRP-OMP)	2-6	2 doses, 2 mos. apart	12 mos.*	3
	7-11	2 doses, 2 mos. apart	15 mos.*	3
	12-14	1 dose	15 mos.*	2
	15-59	1 dose	None	1
ProHIBIT (Connaught) (PRP-D)	2-14	Do Not Use	Do Not Use	-
	15-59	1 dose	None	1

*At least 2 months after previous dose.

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Recommended Schedule of Hepatitis B Vaccination
for Infants Born to Hepatitis B Surface Antigen
(HBsAg) - Negative Mothers

Hepatitis B vaccine	Age of infant
Option 1	Dose 1
	Dose 2
	Dose 3
Option 2	Dose 1
	Dose 2
	Dose 3

^a Hepatitis B vaccine can be administered simultaneously with DTP, OPV, HbCV and MMR at the same visit.

^b Preferably, the administration of the last 2 doses of vaccine should be spaced at least 4 months apart.

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Recommended Schedule of Hepatitis B
Immunoprophylaxis to Prevent Perinatal
Transmission of Hepatitis B Virus Infection

Infant born to mother known to be HBsAg positive

Vaccine dose^a

Age of infant

First HBIG ^b	Birth (within 12 hours)
Second	Birth (within 12 hours)
Third	1 month 6 months ^c

Infant born to mother not tested for HBsAg

Vaccine Dose^d

Age of infant

First	Birth (within 12 hours). If mother is found to be HBsAg positive, administer dose to infant as soon as possible, not later than 1 week after birth.
Second Third	1 - 2 months ^e 6 months ^e

^a See section entitled "Recombinant Hepatitis B Vaccines" for appropriate vaccine dose.

^b Hepatitis B immune globulin (HBIG) - 0.5 mL administered intramuscularly at a site different from that used for vaccine.

^c If 4 dose schedule (Engerix-B) is used, the third dose is administered at 2 months of age and fourth dose at 12-18 months.

^d First dose = dose for infant of HBsAg - positive mother (see section entitled "Recombinant Hepatitis B Vaccines"). If mother is found to be HBsAg positive, continue that dose; if mother is found to be HBsAg negative, use appropriate dose from section entitled "Recombinant Hepatitis B Vaccines".

^e Infants of women who are HBsAg negative can be vaccinated at 2 months of age.

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VACCINES AND TOXOIDS RECOMMENDED FOR HEALTHY ADULTS IN GENERAL, BY AGE GROUP

Vaccine or Toxoid

Age Group	Td	Measles	Mumps	Rubella	Influenza	Pneumococcal Polysaccharide
18-24 years	X ^a	X	X	X		
25-64 years	X ^a	X ^b	X ^c	X ^d		
≥ 65 years	X ^a				X ^e	X

^a Booster doses of Td vaccine are recommended every 10 years.

^b Indicated for persons born after 1956. Generally, people born before 1957 are considered immune to measles because of exposure to natural disease. However, this cutoff date for susceptibility is arbitrary. Consideration should be given to administering a second dose of measles vaccine to those who have been previously immunized (especially to college students, health care professionals, etc.).

^c Generally indicated for persons born after 1956. Most persons born before 1957 are likely to have been infected naturally and may be considered immune. However, this cutoff date for susceptibility is arbitrary.

^d All susceptible adults. Particularly beneficial for women of childbearing age who are not pregnant.

^e Indicated on an annual basis.

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IMMUNIZATION REQUIREMENTS FOR COMPLIANCE WITH SCHOOL CODE

	Age 5 years or younger (school entry)	Age 6 years & older	Required interval between doses
DTP or Td	4 or more doses of DTP with last dose qualifying as a booster and received on or after the 4th birthday.	3 or more doses of DTP or Td with last dose qualifying as a booster and received on/after the 4th birthday. AND Td booster every 10 years thereafter.	MINIMUM INTERVAL between series doses is 4 weeks. MINIMUM INTERVAL between series and booster is 6 months.
OPV	3 or more doses of OPV with the last dose qualifying as a booster and received on or after the 4th birthday. IPV schedule available if necessary.	3 or more doses OPV with the last dose qualifying as a booster and received on or after the 4th birthday.	MINIMUM INTERVAL between series doses is 6 weeks. MINIMUM INTERVAL between series and booster is 6 months.
MEASLES (Rubella)	Vaccine administered at 15 months or older* *If measles vaccine was received prior to 15 months, BUT AFTER 12 months of age, a statement from a physician may be attached to the student's health record indicating the student is adequately protected against measles. This note does not replace the required 2nd dose. *Starting the school year 1993-94 and thereafter all students enrolled in Illinois schools must show proof of 2 doses of measles vaccine.	Vaccine administered at 15 months or older** **Vaccine administered at 12 months of age or older is acceptable for those students who entered school prior to the 1981-82 school year. **Students entering Grade 5 during the 1990-91 school year and thereafter must show proof of 2 doses of measles vaccine. **Students entering Grade 9 during the 1991-92 school year and thereafter must show proof of 2 doses of measles vaccine.	Document month/day/year. IF necessary, to provide proof of adequate age at time of vaccination. MINIMUM INTERVAL 1 month between doses. Assessment of adequate 2 dose record: 1st dose received \geq 12 months of age. 2nd dose received not less than 1 month after 1st dose.

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	Age 5 years or younger (school entry)	Age 6 years & older	Required interval between doses
	OR Physician diagnosed case of measles (providing date of physician certification). OR Laboratory (serologic) evidence of measles immunity provided in health record.	**Students entering kindergarten in the 1993-94 school year and thereafter must show proof of 2 doses of measles vaccine. OR Physician diagnosed case of measles (providing date of physician certification). OR Laboratory (serologic) evidence of measles immunity provided in health record.	
RUBELLA (German measles, 3 day measles)	Vaccine administered at 12 months or older. OR Laboratory (serologic) evidence of rubella immunity provided in health record. DISEASE HISTORY IS NOT ACCEPTABLE.	Vaccine administered at 12 months or older. OR Laboratory (serologic) evidence of rubella immunity provided in health record. DISEASE HISTORY IS NOT ACCEPTABLE.	Document month/day/year. IF necessary, to provide proof of adequate age at time of vaccination.
MUMPS	Vaccine administered on or after 12 months of age. OR Physician diagnosed case of mumps (providing date of physician certification)	Vaccine administered on or after 12 months of age. OR Physician diagnosed case of mumps (providing date of physician certification)	Document month/day/year. IF necessary, to provide proof of adequate age at time of vaccination.

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III. IMMUNIZATION REQUIREMENTS FOR COMPLIANCE WITH THE COLLEGE/UNIVERSITY LAW

VACCINE	Students born on or after Jan. 1, 1957, who first began attending the institution after July 1, 1989, but prior to the Fall 1990 term.	Students born on or after Jan. 1, 1957, who began attending the institution, for the first time, the Fall 1990 term or after.	Required interval between doses
TETANUS/ DIPHTHERIA	3 or more doses of Tetanus & Diphtheria (Td) vaccine, and the last dose received within 10 years prior to enrollment.	3 or more doses of Tetanus & Diphtheria (Td) vaccine, and the last dose received within 10 years prior to enrollment.	Minimum Interval between 1st and 2nd dose is 4 weeks. Minimum Interval between the 2nd dose and last dose is 6 months.
MEASLES (Rubeola)	1 dose of live virus measles vaccine at 12 months of age or older, OR Physician diagnosed measles disease (providing date of physician certification), OR Laboratory (serologic) evidence of measles immunity provided in health record.	2 doses of live virus measles vaccine, with the 1st dose received not earlier than 12 months of age and the 2nd dose no less than one month later, OR Physician diagnosed measles disease (providing date of physician certification), OR Laboratory (serologic) evidence of measles immunity provided in health record.	Minimum Interval At least 1 month between doses. Document month/day/year, IF necessary, to provide proof of adequate age at time of vaccination.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 615, Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

III. IMMUNIZATION REQUIREMENTS FOR COMPLIANCE WITH THE COLLEGE/UNIVERSITY LAW - continued

RUBELLA (3-day or German measles)	1 dose at 12 months of age or older, OR Laboratory (serologic) evidence of rubella immunity provided in health record.	1 dose at 12 months of age or older, OR Laboratory (serologic) evidence of rubella immunity provided in health record.	Document month/day/year, IF necessary, to provide proof of adequate age at time of vaccination
	DISEASE HISTORY IS NOT ACCEPTABLE.	DISEASE HISTORY IS NOT ACCEPTABLE	
MUMPS	1 dose at 12 months of age or older, OR Physician diagnosed mumps disease (providing date of physician certification).	1 dose at 12 months of age or older, OR Physician diagnosed mumps disease (providing date of physician certification).	Document month/day/year, IF necessary, to provide proof of adequate age at time of vaccination.

IMMUNIZING AGENTS

DIPHTHERIA AND TETANUS TOXOIDS AND PERTUSSIS VACCINE (DTP)

a) Schedule

- 1) Infants and children 6 weeks through 6 years of age (up to 7th birthday):

Beginning at two months of age or older, single dose on three occasions with a 4 to 8 week interval between doses; a fourth dose 6-12 months after the third; a fifth dose just prior to entrance to school (4-6 years of age).

- 2) Age 7 through adult: Not recommended.

b) Contraindications and Precautions:

- 1) Acute illness. (Use discretion when making the decision to administer or delay vaccination because of a current febrile illness.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

- 2) Presence of a known problem of the brain or nervous system which is worsening or an uncontrolled seizure disorder.

- 3) Any of the following adverse events occurring after a previous dose of DTP vaccine contraindicates further DTP vaccination:

A) Contraindications

- i) An immediate anaphylactic reaction.
 - ii) Encephalopathy occurring within 7 days following DTP vaccination.
- B) Precautions
- i) Temperature of $\geq 40.5^{\circ}\text{C}$ (105°F) within 48 hours not due to another identifiable cause.
 - ii) Collapse or shock-like state (hypotonic-hyporesponsive episode) within 48 hours.
 - iii) Persistent, inconsolable crying lasting ≥ 3 hours, occurring within 48 hours.
 - iv) Convulsions with or without fever occurring within 3 days.

[AGENCY NOTE: Refer to the current ACIP recommendations on diphtheria, tetanus and pertussis immunization for additional information on the risks associated with pertussis vaccination.]

c) Reactions

- 1) The most common side effects of DTP vaccine are soreness, redness and swelling at the injection site. Mild systemic reactions such as a slight fever, drowsiness, anorexia and fussiness occur infrequently. These mild reactions usually occur within the first 24 hours, and have a short duration. They can be safely managed with symptomatic treatment. The frequencies of local reactions and fever are substantially higher with increasing numbers of doses of DTP vaccine, while other mild to moderate systemic reactions (e.g., fretfulness, vomiting) are substantially less frequent. Less common, but more severe side effects can occur.
- 2) Moderate-to-severe systemic events, include high fever (e.g., temperature of $\geq 40.5^{\circ}\text{C}$ (105°F); persistent, inconsolable crying lasting ≥ 3 hours; collapse (hypotonic-hyporesponsive episode); or short lived convulsions (usually febrile). These events which occur

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

infrequently appear to be without sequelae. Other more severe neurologic events, such as a prolonged convulsion or encephalopathy, although rare, have been reported in temporal association with DTP administration.

- d) Administration Site Cleansing Agent

Alcohol with needle/syringe.

- e) Dosage and Site of Administration

0.5 cc intramuscularly in the anterolateral aspect of the upper thigh for infants or into the deltoid for older children.

- f) Storage

Refrigerate at 35° to 46°F (2° to 8°C). DO NOT FREEZE. Do not use if vigorous shaking does not achieve resuspension (to an opaque state free of particles).

TETANUS AND DIPHTHERIA TOXOIDS ADSORBED (Td)

- a) Schedule

- 1) Age 7 years through adult: Single dose on two occasions with a 4-8 week interval between doses; a third dose 6-12 months after the second; subsequent doses—one dose every 10 years thereafter.

- 2) Infants through age 6 years: Not recommended.

- b) Contraindications

- 1) Acute illness. (Use discretion when deciding to administer or delay vaccination because of a current febrile illness.)

- 2) History of neurologic or severe hypersensitivity reactions to a previous dose of Td.

- c) Reactions

Mild fever, chills; local inflammatory reaction with induration and soreness. If a nodule appears it may be palpable at injection site for a few weeks

- d) Administration Site Cleansing Agent

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

Alcohol with needle/syringe.

- c) Dosage and Site of Administration

0.5 cc intramuscularly into the deltoid.

- f) Storage of Toxoid

Refrigerate at 35° to 46° F (2° to 8° C) DO NOT FREEZE.

POLIOVIRUS VACCINE, LIVE, ORAL, TRIVALENT (OPV)

- a) Schedule

- 1) Infants and children through age 6 years: Beginning at age 2 months or older, single dose on two occasions with a 6 to 8 week interval between doses, a third dose 6 to 12 months later and a final dose at entrance to school for those who received primary immunization in early childhood. All others complete the initial series of three doses.
- 2) Age 7 years through high school: Two doses administered with a 6 to 8 week interval, and a third dose 6 to 12 months later.
- 3) Adults (age 18 years and older): Routine polio immunization is not necessary for adults living in the U.S.

- b) Contraindications

- 1) Acute illness. (Use discretion when deciding to administer or delay vaccination because of a current febrile illness.)
- 2) Immune deficiency diseases
- 3) Immunodeficiency states, e.g. due to leukemia, lymphoma, AIDS or cancer
- 4) Immunosuppressive therapy within previous 3 months
- 5) Residing with individuals who are immunodeficient
- 6) Pregnancy.

- c) Reactions

Minor local pain and redness.

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

None routinely expected.

- d) Dosage and Site of Administration

Contents of single-dose ampule (0.5 ml) directly by mouth.

- e) Storage of Vaccine

Maintain vaccine continuously in the frozen state - 10°C (14°F) or lower. At refrigerator temperatures (35° to 46° F, 2° to 8° C), the liquid vaccine must be used within 30 days.

POLIOVIRUS VACCINE, INACTIVATED, INJECTABLE, ENHANCED-POTENCY (E-IPV)

- a) Schedule

- 1) Infants and children through school entrance age: Beginning at age 2 months or older, administer two doses at intervals of 4 to 8 weeks, followed by a third dose 6 to 12 months after the second dose (usually integrated with DTP administration at 15 to 18 months of age). A booster should be given at school entrance, unless the third dose was administered after the 4th birthday. The need for additional booster doses has not been established. [AGENCY NOTE: While E-IPV and OPV are generally given as separate series, a combination of both vaccines totaling three doses and separated by appropriate intervals constitutes a primary series. If enhanced-potency IPV is administered to persons with a previously incomplete series of conventional IPV, a final total of four doses of polio vaccine is necessary for a primary series.]
- 2) Adults (18 years and older): Routine polio immunization is not necessary for adults residing in the U.S. Immunization is recommended for persons traveling to countries with a high incidence of polio and for health care workers in close contact with patients who may be excreting polioviruses. E-IPV is preferred for adults whenever feasible.

- b) Contraindications

- 1) Acute illness. (Use discretion when deciding to administer or delay vaccination because of a current febrile illness.)
- 2) Pregnancy.

- c) Reactions

Minor local pain and redness.

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Section 615-Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

d) Administration Site Cleansing Agent

Alcohol with needle/syringe.

e) Dosage and Site of Administration

0.5 ml subcutaneously in the deltoid area or lateral thigh of infant.

f) Storage of Vaccine

Refrigerate at 35° to 46° F (2° to 8° C). DO NOT FREEZE. This vaccine should be pink or red in color, and clear. Discard vaccine that shows turbidity, particles or a change in color.

MEASLES, MUMPS AND RUBELLA VIRUS VACCINES,
LIVE (MMR AND MR COMBINED VACCINES,
MEASLES, MUMPS, AND RUBELLA INDIVIDUAL VACCINES)

a) Schedule

1) First dose at age 15 months or after. Combined MMR is the vaccine of choice in routine infant/child vaccination programs. MMR is also generally preferable in other situations when immunization against any one of the diseases is needed. Refer to section titled "Childhood Immunization Schedule Based on ACIP and AAP Recommendations" for information regarding the two-dose measles schedule. Any child who received the MMR or the separate antigens before his/her first birthday will need to be reimmunized with the appropriate immunization.

b) Contraindications

1) Acute illness. (Use discretion when deciding to administer or delay vaccination because of a current febrile illness.)

2) Immune deficiency diseases.

3) Immune deficiency states, e.g. due to leukemia, lymphoma, or cancer [AGENCY NOTE: HIV infection with or without symptoms is not a contraindication to vaccination with MMR, however, caution is indicated.]

4) Immunosuppressive therapy.

5) Receipt of immune globulin within the previous three months.

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Section 615-Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

6) Pregnancy (pregnancy should be avoided for three months following vaccination).

7) Anaphylactic reaction to neomycin or eggs.

[AGENCY NOTE: Rubella vaccine is grown in human diploid cell cultures and can safely be given to persons with histories of severe allergy to eggs or egg protein.]

c) Reactions

Fever and rash occasionally follow measles vaccination 1 to 2 weeks later. Mild swelling of the salivary glands occasionally follows mumps vaccination. Rash, some swelling of the lymph nodes of the neck, and/or some aching or swelling of the joints occasionally follow rubella vaccination 1 to 3 weeks later. Mild local reactions such as erythema, induration and tenderness may occur with any of these vaccines.

d) Administration Site Cleansing Agent

Alcohol with needle/syringe.

e) Dosage and Site of Administration

0.5 cc subcutaneously in the thigh of infants or the outer aspect of the upper arm of older children and adults.

f) Storage of Vaccine

Protect from sunlight. Before and after reconstitution, refrigerate at 35° to 46° F. (2° to 8° C.). Once reconstituted, discard if not used within 8 hours.

HAEMOPHILUS B CONJUGATE VACCINE (HbCV)

a) Schedule

At age 2 months to 60 months (up to the 5th birthday). Vaccination schedule is dependent upon the type (manufacturer) of conjugate vaccine. See preceding pages for table showing detailed schedule for HbCV vaccination. When recording the administration of HbCV doses, provider should use the chemical abbreviations of the specific product

b) Contraindications

1) Acute illness. (Use discretion when deciding to administer or delay vaccination because of a current febrile illness.)

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

- 2) Hypersensitivity to any component of the vaccine, including thimerosal.

[AGENCY NOTE: Refer to vaccine insert of the particular manufacturer for a complete list of contraindications.]

c) Reactions

Fever and mild local reactions within 24 hours of immunization. Serious adverse reactions are rare.

d) Administration Site Cleansing Agent

Alcohol with needle/syringe.

e) Dosage and Site of Administration

0.5 ml intramuscular and/or subcutaneous. Refer to the package insert of the specific manufacturer for recommended site of injection.

f) Storage of Vaccine

Refrigerate at 35° to 46° F (2° to 8° C). DO NOT FREEZE.

INFLUENZA VIRUS VACCINES

- a) Recommendations, schedules, contraindications, dosages and reactions are all subject to change annually in accordance with Immunization Practices Advisory Committee (ACIP) recommendations.

1) Administration Site Cleansing Agent

Alcohol with needle/syringe.

2) Site of Administration

Intramuscularly into the deltoid.

3) Storage of Vaccine

Refrigerate at 35° to 46° F (2° to 8° C). DO NOT FREEZE.

PNEUMOCOCCAL POLYSACCHARIDE VACCINE

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

(23-valent vaccine)

a) Schedule

1) Children

A)

Children ≥ 2 years old with chronic illnesses specifically associated with increased risk of pneumococcal disease or its complications (e.g. anatomic or functional asplenia (including sickle cell disease), nephrotic syndrome, cerebrospinal fluid leaks and conditions associated with immunosuppression).

B)

Children ≥ 2 years old with asymptomatic or symptomatic HIV infection.

C)

The currently available 23-valent vaccine is not indicated for patients having only recurrent upper respiratory tract disease, including otitis media and sinusitis.

2) Adults

A)

Immunocompetent adults who are at increased risk of pneumococcal disease or its complications because of chronic illnesses (e.g. cardiovascular disease, pulmonary disease, diabetes mellitus, alcoholism, cirrhosis or cerebrospinal fluid leaks) or who are ≥ 65 years old.

B)

Immunocompromised adults at increased risk of pneumococcal disease or its complications (e.g. persons with splenic dysfunction or anatomic asplenia, Hodgkin's disease, lymphoma, multiple myeloma, chronic renal failure, nephrotic syndrome or conditions such as organ transplantation associated with immunosuppression).

C)

Adults with asymptomatic or symptomatic HIV infection.

b) Contraindications

Pregnancy

c) Reactions

Erythema and pain at injection site. Fever, myalgia and severe local reactions in less than 1 percent of recipients. Severe systemic reactions, such as anaphylaxis, is rare.

d) Administration Site Cleansing Agent

Alcohol with needle/syringe.

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

e) Dosage and Site of Administration

0.5 ml subcutaneously or intramuscularly in the anterolateral aspect of the upper thigh or in the deltoid area.

f) Storage of Vaccine

Refrigerate at 35° to 46° F (2° to 8° C). DO NOT FREEZE.

RECOMBINANT HEPATITIS B VACCINES

a) Schedule

Group	Vaccine		
	Recombinant HB* Dose (μ g)	(mL)	Engerix-B* ¹ Dose (μ g)
Infants of HBsAg ³ positive mothers Other infants and children < 11 years Children and adolescents	5	(0.5)	10
	2.5	(0.25)	10
11-19 years Adults \geq 20 years Dialysis patients and other immunocompromised persons	5	(0.5)	20
	10	(1.0)	20
	40	(1.0)**	40
			(2.0) ²

* Both vaccines are routinely administered in a three-dose series. Engerix-B has also been licensed for a four-dose series administered at 0, 1, 2, and 12 months.

** Special formulation for dialysis patients.

¹ Alternative schedule: four doses at 0, 1, 2, 12 months.

² Two 1.0 ml doses administered at one site, in a four-dose schedule at 0, 1, 2, and 6 months.

³ HBsAg = Hepatitis B surface antigen.

b) Contraindications

- 1) Hypersensitivity to yeast or any component of the vaccine (thimerosal, aluminum hydroxide, alum, formaldehyde).

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

- 2) Exercise caution and appropriate care in administering to individuals in the following categories:

- A) Individuals with severely compromised cardiopulmonary status.
- B) Individuals in whom a febrile or systemic reaction could pose a significant risk.

[AGENCY NOTE: Data are not available on the safety of hepatitis B vaccine for the developing fetus. Because the vaccines contain only noninfectious HBsAg particles, they should pose no risk to the fetus. Therefore, pregnancy or lactation should not be considered a contraindication to the use of this vaccine for persons who are otherwise eligible.]

c) Reactions

Erythema and soreness or pain at injection site occur in approximately 17 percent to 22 percent of recipients (depending upon type of vaccine given). Severe systemic reactions, such as anaphylaxis are uncommon.

d) Administration Site (Cleansing Agent

Alcohol with needle/syringe

e) Dosage and Site of Administration

- 1) Refer to the Schedule section for vaccine dosage recommendations. The preferred intramuscular site for injection in adults is the deltoid muscle. The vaccine can be administered subcutaneously in persons at risk of hemorrhage following intramuscular injection.

- 2) The anterolateral thigh is the recommended site for intramuscular injection in infants and young children.

f) Storage of Vaccine

Refrigerate at 35° to 46° F (2° to 8° C). DO NOT FREEZE

MEDICAL AUTHORIZATION

Authorization is given to _____ to conduct an on-going immunization program
Agency Name

As the medical consultant for this agency's immunization program, I give consent for the nursing staff to administer immunizations for the vaccine-preventable diseases in accordance with the policies and procedures as outlined on pages _____ through _____ of this text

I have reviewed the preceding policies and procedures and have found them consistent with the

DEPARTMENT OF PUBLIC HEALTH

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Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

recommendations of the Advisory Committee on Immunization Practices (ACIP) and/or American Academy of Pediatrics (AAP).

Date _____ Physician's Signature _____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 615. Appendix A Recommended Policies and Procedures for Immunization Clinics (continued)

VACCINE ADVERSE EVENT REPORTING SYSTEM 24 Hour Toll-free information line 1-800-822-7967										For CDC/FDA Use Only	
VAERS Patient identity kept confidential										VAERS Number	Date Received
Patient Name		Vaccine administered by (Name)				Form completed by (Name)					
Last, First, M.I.		Responsible Physician				Relation to Patient				Vaccine Provider	
Address		Facility Name Address				Patient Address (if different from patient or provider)				Other	
City, State, Zip		City, State, Zip				City, State, Zip					
Telephone no. 1, 2, 3		Telephone no. 1, 2, 3				Telephone no. 1, 2, 3					
1 State		2 County where administered		3 Date of birth		4 Patient age		5 Sex M F		6 Date form completed	
7 Describe adverse event(s) (symptoms, signs, time course) and treatment, if any											
8 Check all appropriate: <input type="checkbox"/> Patient died <input type="checkbox"/> Date of death _____ <input type="checkbox"/> Life threatening illness <input type="checkbox"/> Required emergency room doctor visit <input type="checkbox"/> Required hospitalization <input type="checkbox"/> Resulted in permanent disability <input type="checkbox"/> None of the above											
9 Patient recovered YES NO UNKNOWN											
10 Date of vaccination 11 Adverse event onset											
12 Relevant diagnostic test/laboratory data											
13 Enter all vaccines given on date listed in no. 10											
Vaccine (type)		Manufacturer		Lot number		Route/Site		No Previous doses		Date given	
a											
b											
c											
d											
14 Any other vaccinations within 4 weeks of date listed in no. 10											
Vaccine (type)		Manufacturer		Lot number		Route/Site		No Previous doses		Date given	
a											
b											
15 Vaccinated at: <input type="checkbox"/> Private doctor's office/hospital <input type="checkbox"/> Military clinic/hospital <input type="checkbox"/> Public health clinic/hospital <input type="checkbox"/> Other/unknown											
16 Vaccine purchased with: <input type="checkbox"/> Private funds <input type="checkbox"/> Military funds <input type="checkbox"/> Public funds <input type="checkbox"/> Other/unknown											
17 Other medications											
18 Illness at time of vaccination (specify): <input type="checkbox"/> 19 Pre-existing physician-diagnosed allergies, birth defects, medical conditions (specify)											
20 Have you reported this adverse event previously? <input type="checkbox"/> No <input type="checkbox"/> To doctor <input type="checkbox"/> To health department <input type="checkbox"/> To manufacturer											
21 Adverse event following prior vaccination (check all that apply): <input type="checkbox"/> Adverse Event <input type="checkbox"/> Onset <input type="checkbox"/> Type <input type="checkbox"/> Dose no <input type="checkbox"/> Vaccine in series											
22 Birth weight lb oz <input type="checkbox"/> 23 No. of brothers and sisters											
24 Mfr <input type="checkbox"/> 25 Date received by mfr <input type="checkbox"/> 26 15 day report? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 27 Report type <input type="checkbox"/> Initial <input type="checkbox"/> Follow-Up											
Health care providers and manufacturers are required by law (42 USC 300aa-25) to report reactions to vaccines used in the vaccine injury law reports by submitting to VAERS. Vaccines are a voluntary vaccine under the law (42 USC 300aa-25) if they are not included in the vaccine injury law reports.											

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Maternal and Child Health Services Code

2) Code Citation:

77 Ill. Adm. Code 630

3) Section Number:

630.220

Adopted Action:

Amendment

4) Statutory Authority:The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.05)
[20 ILCS 2310/55.05]5) Effective Date of Rules:

March 5, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes No X If "yes," please specify type: 6.02(a) or 6.02(b) If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes No 8) Date Filed in Agency's Principal Office:

March 5, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

17 - Ill. Reg. 3069 - March 12, 1993

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes No X

If "yes," please complete the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- A) Statement of Objection: , Ill. Reg.
- B) Agency Response: , Ill. Reg.
- C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

A number of changes were made in response to public comment that resulted in a consolidation and simplification of this Section. For example, the subsection "Criteria for Certifying Agencies to Conduct Case Management Activities" has been placed with the subsection pertaining to "Agency Requirements." The "Role of the Case Manager" has been placed with the descriptions of "Other Case Management Activities." Similarly, "Requirements for the Individual Care Plan" has been placed with the other requirements for the "Case Management Process." The repetition of requirements for case management of 1) pregnant women, 2) infants, 3) children and 4) adolescents has been eliminated; these requirements have been consolidated into the "Case Management Process" subsection. Many requirements particular to each of these populations were deleted.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

14) Are there any other Amendments Pending on this Part? Yes No X

If yes:

Section NumberProposed ActionIll. Reg. Citation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

The amendments relax requirements for personnel, frequency of fact-to-face contact and performance of home visits for case management activities conducted by IDPH grantees. Other changes make the content of case management activities uniform across the four target populations (pregnant women, infants, children, and adolescents).

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 630

MATERNAL AND CHILD HEALTH SERVICES CODE

SUBPART A: GENERAL

Section
630.10
630.20
630.25

Legislative Base
Administration
Incorporated Materials

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

Section
630.30
630.40

Health Services for Women of Reproductive Age
Health Services for Children in the First Year of Life

SUBPART C: CHILD HEALTH CARE PROGRAM

Section
630.50
630.60

Health Services for Children from One Year of Age to Early Adolescence
Health Services for Adolescents

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section
630.70
630.80
630.90
630.100
630.110
630.120
630.130
630.140
630.150
630.160
630.170
630.180
630.190
630.200

Definitions
Standards
Records
Reports
In-Service Training
Evaluation
Use of Project Funds
Program Income
Eligibility for Services
Availability of Services
Utilization of Community Resources
Abortions and Sterilizations
Reasonable Cost
Preparation of Applications

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

630.210 Review under Administrative Review Law
630.220 Outreach and Case Management

- Appendix A MCH Grant Proposal Review Form
- Appendix B Illinois Department of Public Health Reimbursement Certification Form
- Appendix C Instructions for Completing Reimbursement Certification Form
- Appendix D Plans to Achieve Objectives
- Appendix E Application and Plan for Public Health Program Grant

AUTHORITY: Implementing the Developmental Disability Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 2101 et seq.) [410 ILCS 250], the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1301 et seq.) [410 ILCS 45], the Phenylketonuria Testing Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4903 et seq.) [410 ILCS 240], the Autopsy Act (Ill. Rev. Stat. 1991, ch. 31, pars. 41-45) [410 ILCS 505], the Infant Mortality Reduction Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7001 et seq.) [410 ILCS 220], the Problem Pregnancy Health Services and Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4601-100 et seq.) [410 ILCS 230], and authorized by Section 55.05 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.05) [20 ILCS 2310/55.05].

SOURCE: Adopted and codified at 6 Ill. Reg. 5566, effective April 20, 1982; amended at 7 Ill. Reg. 16422, effective November 23, 1983; amended at 14 Ill. Reg. 11219, effective July 1, 1990; amended at 15 Ill. Reg. 13874, effective September 27, 1991; amended at 17 Ill. Reg. 3013, effective February 22, 1993; amended at 18 Ill. Reg. _____, effective **MAR 05 1994**.

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section 630.220 Outreach and Case Management

- a) Definitions: Outreach and case management are defined in Section 630.70.
 - 1) "May" is used to indicate permitted outreach and case management activities.
 - 2) "Must" is used to indicate required outreach and case management activities.
 - 3) "Shall" is used to indicate required outreach and case management activities.
 - 4) "Should" is used to indicate recommended outreach and case management activities.
 - 5) "Advocacy" and "Advocate" mean that the case manager or case manager assistant will ensure, to the extent possible, that the participant receives needed services.
- b) Agency Requirements.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Criteria for Certifying Agencies to Conduct Outreach and Case Management Activities.

A) Grantees of the Illinois Department of Public Health conducting outreach and case management activities must apply for certification as a case management agency. Certified agencies will enter into a written agreement with the Department or its designee to conduct these activities.

B) Application Process for Certification as a Case Management Agency.

i) The annual funding application must provide assurance that the applicant is in compliance with the requirements set forth in subsections (b)(2) and (3) and describe in detail how it will meet the program requirements set forth in subsection (b)(4) through (7) and describe in detail how it will provide services in accordance with the requirements set forth in subsection (c) through (f). Further, the agency must agree on a continuous basis to comply with this Part and all applicable Federal and State laws and regulations. (See Title XIX of the federal Social Security Act (42 U.S.C., Section 1396 et seq.) and The Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 1-1 et seq.) [305 ILCS 5].

ii) The Department or its designee will notify successful applicants in writing. The Department or its designee shall provide technical assistance to applicants when requested.

C) Certification

i) Provisional certification will be awarded for 180 days to successful applicants. During this period, the Department or its designee will conduct a management and fiscal review to ensure compliance with these rules. (See Section 630.20(e) and (f).)

ii) Full certification will be awarded for two years to agencies who successfully complete the review conducted during provisional certification. During this period, the Department or its designee will conduct a management and fiscal review to ensure compliance with these rules. Successful agencies (based on review findings) will be recertified for a two-year period. Unsuccessful agencies (based on review findings) will be given provisional certification. The Department or its

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designee may, based on review, change an agency's certification at any time, or terminate certification, pursuant to Section 630.200(h).

- 2+) The agency must agree to help a program participant apply for benefits under the Medicaid program.
- 3+) Physical facilities to be used for serving participants must be comfortable, safe, and clean, and must meet local requirements for fire safety, building construction, sanitation and health. The agency must be able to furnish proof upon request that all such local requirements have been met. In addition, a space for meetings with participants that is conducive to privacy should be available.
- 4+) The agency must be capable of delivering services to the target population, demonstrate an understanding of the concept and delivery of case management services and demonstrate (by written agreements or other means such as letters of support) linkages to relevant service and health care agencies serving the target area.
- 5+) The agency must conduct outreach activities to the target population and medical providers in the geographic area to be served.
- 6+) Direct service staff for the program must meet the standards defined for case managers in subsection (c)(4)(A) or (B) and proof of licensure must be available upon request.
- 6+) The agency must be able to deliver case management services appropriate to the individual recipient's level of need. This includes:
 - A) the ability to respond promptly to medical provider referrals for case management;
 - B) the ability to conduct health, nutrition, psychosocial and environmental assessments, and develop a care plan for the appropriate level of care with input and approval of the participant or, in the case of infants and young children, of the parent or legal guardian;
 - C) the ability to advocate on the participant's behalf to facilitate access to services;
 - D) the ability to provide or arrange for bilingual and sign language services if possible;

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- E) the ability to coordinate agency and other community services for the participant;
 - F) the ability to establish referral systems to other community agencies;
 - G) the ability to ensure ongoing communication with the recipient's prenatal or pediatric care provider;
 - H) the capacity to remind participants of appointments for services and follow up to ascertain service delivery; and
 - I) the ability to establish protocols for all aspects of case management activities, including assessment, service planning, referral, follow-up, advocacy and case closure.
- 7) The agency must be able to provide services in medical, home and other settings such as schools and churches.
 - 8) The agency must maintain an adequate and confidential participant records system. Documentation of all services provided is to be maintained in this system. (Refer to Section 630.90.)
- C) Provider Qualifications, and Role
 - 1) Qualifications: The case manager must meet one of the following qualifications:
 - A) a registered professional nurse licensed pursuant to Section 12 of the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3512) 1225 ILCS 65/12 and
 - i) two years of experience in community health or maternal and child health nursing, or
 - ii) a Bachelor of Science in Nursing (B.S.N.) degree from a recognized or accredited program and one year of experience in community health or maternal and child health nursing, or
 - iii) supervision by a registered professional nurse, licensed social worker or licensed clinical social worker with the length of experience described herein, until the case manager obtains the length of experience required in subsection (c)(1)(A)(i) or (c)(1)(A)(ii) of this Section above.

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- B) a clinical social worker licensed pursuant to Section 9 or social worker licensed pursuant to Section 9A of the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991-4989, ch. 111, par. 6351 et seq.) [225 ILCS 20] and 68 Ill. Adm. Code 1470) and:
- i) one year of experience in providing services to families with young children, or
 - ii) supervision by a registered professional nurse, licensed social worker or licensed clinical social worker with the length of experience described herein until the case manager obtains the length of experience required in subsection (c)(1)(B)(i) of this Section above.
- C) possess a master's degree or baccalaureate degree in a behavioral science, social science or health-related area; or a baccalaureate degree in any other area and one year of experience in child, family or community services; or an associate degree and two years experience in child, family or community services. Case managers meeting only this qualification must be supervised by a case manager meeting requirements of subsection (c)(1)(A) or (c)(1)(B) above of this Section until they have a total of two years of supervised case management experience.

- 2f) Exception process: The Department will use the following procedures when grantees' staff do not meet the qualifications listed above or when they are unable to recruit qualified staff.

- A) Individuals employed by a grantee, at the time of the adoption of this Section, to conduct case management activities as described in this Section will be deemed qualified.
- B) Grantees that can demonstrate an inability to recruit individuals who meet the qualifications listed above may request an exception. The Department or its designee will grant an exception if it is requested in writing and documents: the grantee's efforts to recruit qualified staff; the education and experience that the grantee proposes to require in filling the position; a justification of why the proposed education and experience are functionally equivalent to the above requirements, and a plan for bringing the individual into compliance within a two-year period.

- 3) Case Manager Assistants. Paraprofessionals and lay workers may be used to perform some case management functions under the supervision of the case

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manager. These functions may include intake, follow-up with participants or providers to ensure that participants are accessing needed services, and provision of support and assistance that participants may require to access services. The functions of assessment, service planning, referral, and reassessment of participant's needs are limited to the case manager. Paraprofessionals and lay workers may also be used to conduct outreach activities.

2)

Rule of the Case Manager. One goal of the case management process is to help participants or their caregivers learn to accept responsibility for their own lifestyle and promote their own health. Another major goal of case management is to enhance the participants' or their caregivers' strengths and resources by teaching them skills for seeking out and using individuals and agencies in the community who are available to meet a wide variety of human needs. At first, the case manager will likely be responsible for most of these activities. As time passes, the participants or their caregivers will ideally participate more actively, while the case manager adopts a more supportive role. The case management process includes the following activities:

- A) assessment of needed health and social services;
- B) development of an Individual Care Plan in consultation with the participant or, in the case of infants and young children, with the parent or legal guardian;
- C) referral of participants to appropriate providers within the community for services identified in the Individual Care Plan;
- D) on-going follow-up with participants or service providers to determine whether participants have accessed services. Follow up should be continuous from initial identification through case closure.
- E) periodic reassessment of participant's needs, as described in these rules;
- F) advocacy to assist participants in accessing services;
- G) procedures for terminating the professional relationship between the participant and the case manager when the participant no longer requires case management;
- H) case management activities should be provided during a free-to-free contact with the program participant whenever possible, and

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- t) ~~ease managers may also perform outreach activities on a less than full time basis.~~
- 3) ~~Setting. The ease manager may be in the same office or clinic as the participant's primary medical care provider or may be located elsewhere. The ease manager is required to provide ease management services in the client's home as specified in Section 630.220(f)(3), (g)(3), (h)(2) and (i)(2).~~
- 4) ~~Use of Lay Community Workers. Paraprofessionals and lay workers may be used to perform some ease management functions under the supervision of the ease manager. These functions may include follow up with participants or providers to ensure that participants are accessing needed services, as well as providing support and assistance that participants may require to access services. The functions of assessment, service planning, referral, and reassessment of participant's needs are limited to the ease manager. Paraprofessionals and lay workers may also be used to conduct outreach activities.~~

d) ~~Individual Care Plan. Each participant receiving ease management services shall have an individual care plan. The ease manager should utilize the recommendations from the physician and from the initial social and nutritional assessments to develop an individual care plan with the participant. Development of the individualized care plan may include discussions with other providers identified in the plan (provided that the participant has consented in writing to such discussions); and telephone calls to; face-to-face meetings with; or home visits to the participant. The care plan may be signed by the participant and the ease manager; a copy of the care plan should be given to the participant and a copy may be sent to her physician. The individual care plan may be included as a component of the clinical record.~~

- t) ~~For pregnant women, the individual care plan or clinical record must include, but is not limited to, the following:~~
- A) ~~determination of eligibility status for all payment mechanisms for medical services;~~
- B) ~~referral, if necessary, for physician services, ensuring the participant's freedom of choice of medical care providers;~~
- C) ~~an inventory of all of the service providers involved with the participant;~~
- D) ~~a list of the agencies to which the participant will be referred;~~
- E) ~~a problem list and plans for problem resolution;~~

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- F) ~~an assessment or assessments to determine the need for health, mental health, social, educational, vocational, child care, transportation or other services;~~
- 2) ~~For infants, the individual care plan or clinical record must include, but is not limited to:~~
- A) ~~determination of eligibility status for all payment mechanisms for medical services;~~
- B) ~~referral, if necessary, for physician services including well child and sick child care, ensuring the participant's freedom of choice of medical care providers;~~
- C) ~~an inventory of all of the service providers involved with the participant;~~
- D) ~~a list of the agencies to which the participant will be referred;~~
- E) ~~a problem list and plans for problem resolution;~~
- F) ~~an assessment or assessments to determine the need for health, mental health, social, educational, vocational, child care, transportation or other services.~~
- 3) ~~For children, the individual care plan or clinical record must include, but is not limited to:~~
- A) ~~determination of eligibility status for all payment mechanisms for medical services;~~
- B) ~~referral, if necessary:~~
- i) ~~for physician services, including well child and sick child care, ensuring continuity of care and the participant's freedom of choice of medical providers; or~~
- ii) ~~to the University of Illinois Division of Services for Crippled Children;~~
- C) ~~an inventory of all of the service providers involved with the participant;~~
- D) ~~a list of the agencies to which the participant will be referred;~~

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- E) a problem list and plans for problem resolution;
- F) identification of needed nutrition and food supplementation programs; such as the Special Supplemental Food Program for Women, Infants and Children (WIC);
- G) identification of needed early intervention services for infants and toddlers;
- H) identification of needed education services, including general education, special education, Head Start, Pre-Kindergarten At Risk programs, etc.;
- I) identification of needed transportation services;
- J) identification of needed child care services including day care, respite care programs (through the Department of Mental Health and Developmental Disabilities, the Department of Rehabilitation Services or the Department of Children and Family Services), latch key and after-school programs;
- K) identification of current and needed general and special education services;
- L) all service components identified for pregnant women if a pregnancy exists (refer to subsection (4)(1));
- M) identification of needed sexuality education, family planning, mental health, substance abuse and nutritional/dietary services and
- N) identification of needed parenting education, such as programs available from the Department of Alcoholism and Substance Abuse or the Department of Children and Family Services.
- 4) For adolescents, the individual care plan or clinical record must include, but is not limited to:
- A) determination of eligibility status for all payment mechanisms for medical services;
 - B) referral, if necessary;
 - i) for physician services, including well child and sick child care, ensuring continuity of care and the participants' freedom

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- of choice of medical providers; or
- ii) to the University of Illinois Division of Services for Crippled Children;
- C) an inventory of all of the service providers involved with the participant;
- D) a list of the agencies to which the participant will be referred;
- E) a problem list and plans for problem resolution;
- F) identification of needed nutrition services, such as the Special Supplemental Food Program for Women, Infants and Children (WIC);
- G) identification of needed early intervention services for at-risk adolescents, such as emergency housing, crisis intervention;
- H) identification of needed transportation services;
- I) identification of needed after school programs or respite care;
- J) identification of current and needed general, vocational, higher education, G.E.D., or special education services;
- K) all service components identified for pregnant women if a pregnancy exists (refer to subsection (4)(1)), and
- L) identification of needed sexuality education, family planning, parenting training, mental health, substance abuse and nutritional/dietary services.
- (e) Clinical Record. The participant's clinical record shall contain, but is not limited to:
- 1) identifying information including name, case number, address and telephone number, sex, race, hispanic origin, date of birth, marital status, and date of initial contact and initiation of case management services; and source of referral;
 - 2) documentation of the participant's eligibility status for all payment mechanisms for medical care;
 - 3) assessment and reassessment reports;

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- 4) an individual care plan, progress reviews and notes;
- 5) documentation of missed appointments and attempts to follow up on missed appointments of those participants the case manager or physician have identified as noncompliant;
- 6) documentation of each service rendered by the case manager as described in subsection (e) ~~subsections (d), (f), (g), (h) and (i)~~;
- 7) documentation of participant's authorization of the case manager to release information to providers of necessary services; and
- 8) documentation of the participant's primary care provider.

~~(g)~~ Prenatal and Postpartum-Case Management Process

- 1) Role of the Case Manager. One goal of the case management process is to help participants or their caregivers learn to accept responsibility for their own lifestyle and promote their own health. Another major goal of case management is to enhance the participants' or their caregivers' strengths and resources by teaching them skills for seeking out and using individuals and agencies in the community who are available to meet a wide variety of human needs. At first, the case manager will likely be responsible for most of these activities. As time passes, the participants or their caregivers will ideally participate more actively, while the case manager adopts a more supportive role. Successful case management relies on the education of participants, facilitation of access to services, coordination with service agencies, follow-up on services delivered, assistance with scheduling, and case management assessments to determine medical, psychosocial and environmental risks. The case management process includes the following activities:

- A) assessment of needed health and social services;
- B) development of an Individual Care Plan consistent with subsection (e)(2);
- C) referral of participants to appropriate providers within the community for services identified in the Individual Care Plan;
- D) on-going follow-up with participants or service providers to determine whether participants have accessed services. Follow-up should be continuous from initial identification through case closure;
- E) periodic reassessment of participant's needs, as described in these rules;

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- F) advocacy to assist participants in accessing services;
- G) procedures for terminating the professional relationship between the participant and the case manager when the participant no longer requires case management;
- H) case management activities should be provided during a face-to-face contact with the program participant whenever possible; and
- I) case managers may also perform outreach activities on a less than full-time basis.

(2)

Prenatal-Case Management Individual Care Plan. The case manager should utilize the recommendations from the primary care provider, other service providers as appropriate, and from the initial social and nutritional assessments to develop an individual care plan with each participant. Development of the individualized care plan may include discussions with other providers identified in the plan (provided that the participant has consented in writing to such discussions), and telephone calls to, face-to-face meetings with, or home visits to the participant. The individual care plan or clinical record must include, but is not limited to, the following:

- A) verification of eligibility status for all payment mechanisms for medical services;
- B) referral, if necessary, for physician services;
- C) a list of all of the service providers involved with the participant;
- D) a list of the agencies to which the participant will be referred;
- E) a problem list and plans for problem resolution;
- F) an assessment or assessments to determine the need for health, mental health, social, educational, vocational, substance abuse treatment, child care, transportation or other services, including:
 - i) a nutritional assessment (refer to Sections 630.30, (b)(3)(F), 630.40 (b)(1)(E), 630.50 (a)(1)(F), and 630.60 (a)(1)(F));
 - ii) a psychosocial assessment, including composition of family, evidence of parent-child bonding, parenting skills and education of parents;

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- iii) support systems available to parents or caregivers;
 - iv) social and health services currently used by the family, including sources of primary care and emergency care;
 - v) environmental assessment, including at least the condition of housing, availability of utilities (water, heat, light, cooking, refrigeration, sanitation, etc.) and risks of unintentional injury; and
 - vi) developmental assessment of infants and children.
- A) ~~Assessment and Development of the Care Plan. An assessment or assessments shall be done to determine the participant's need for health, mental health, social, educational, vocational, child care, transportation or other services. Psychosocial risk assessment should include emotional support, stress, lifestyle risk (including use of alcohol and illicit or nonprescription drugs, smoking, diet, and activity) and parenting skills (refer to Section 630.30(4)(3)(E)). Basic nutritional assessment information should be conducted and may be obtained from the local Special Supplemental Food Program for Women, Infants and Children program staff and used in the development of the care plan. The case manager shall analyze all assessment results and jointly, with the participant develop an individualized care plan consistent with subsection (4)(+).~~

3(B) Assignment of Participants. Each participating family should be assigned to one case manager.

4(C) Frequency. The case management agency must have face-to-face contact with the participating family as specified below ~~at least once during each trimester of pregnancy the participant is receiving case management services;~~ and have as much additional contact as necessary to facilitate the family's participant's access to services. Each contact must include the activities described in Section 630.220 (e)(6). Whenever possible, the face-to-face contact should be made by the assigned case manager. In determining the appropriate frequency of face-to-face contacts with a family, priority must be given to the requirements for infants, then for pregnant women, then for all other family members.

A) For families with one or more infants, face-to-face contact at approximately two, four, six and twelve months of age.

B) For families with a pregnant woman, face-to-face contact once each

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trimester of pregnancy.

C) For families with one or more children over age one year, but without an infant or pregnant woman, face-to-face contact once each twelve months of program participation.

5(D) Referral and Advocacy. The case manager shall assure that make any necessary referrals are made and advocate as necessary on the participant's behalf for services identified in the individual care plan, ~~including but not~~ limited to:

i) the local office of the Illinois Department of Public Aid for assistance or other agencies for needed transportation, casework, or needed social services including food, clothing, shelter, or other material assistance;

ii) Special Supplemental Food Program for Women, Infants and Children (WIC) and

iii) other social service agencies as needed;

6(E) Follow-up and Reassessment. Subsequent prenatal case management activities shall include, as necessary, a review of the implementation of the individualized care plan to date. The case manager should update the individual care plan using any additional information received from the physician or other service providers. ~~A copy of the revised care plan should be given to the participant and may be given to her physician.~~

72) High-Risk Prenatal Case Management

A) Content. High-Risk Prenatal Case Management includes all the service components of Prenatal Case Management, including a review of the implementation of the individualized care plan to date, emphasizing compliance with recommendations regarding the high-risk condition(s). High-risk case management must be performed by the case manager.

B) Frequency. High-Risk case management may be provided as frequently as needed.

C) Eligibility. High-Risk Prenatal Case Management may be provided when the participant is determined to be at high risk for medical complications by the primary care provider or by risk assessment. High-risk case management of infants and children may

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be provided by the case management agency when the infant or child has been identified through the Adverse Pregnancy Outcome Reporting System (APORS) (refer to Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6701 et seq. [410 ILCS 525/31 and 77 Ill. Adm. Code 840 210]), when the infant has been diagnosed with a serious medical condition after newborn discharge, when maternal alcohol or drug addiction has been diagnosed or when child abuse or neglect has been indicated based on investigation by the Illinois Department of Children and Family Services. Similarly, APORS infants or children whose conditions are minor and whose environments are stable may be transferred into the low-risk follow-up regime.

84) Home Visits. Case management activities shall be conducted in the participant's home as presented below ~~at least once prenatally~~.

A) At least once prenatally.

B) At least once during infancy, if a home visit was not completed during pregnancy.

C) At least once every 24 months of program participation to families that do not include a pregnant woman or an infant.

94) Case Closure:

A) Criteria for closure. Unless other family members are program requirements allow participants to continue receiving case management services, prenatal case closure may occur management will terminate two months post delivery or pregnancy loss, or when:

i) the participant no longer meets age or income eligibility criteria for case management funding;

ii) the participant requests closure;

iii) the medical provider requests closure with the participant's and the case manager's agreement;

iiii) the participant moves out of the grantee's service area;

v) the participant dies; or

vi) the case management agency is no longer able to reach the participant.

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B) Content. At the time of closure, the case manager should ensure that the following activities have been completed, as appropriate for the participant's circumstances:

i) the participant has located a medical care provider for continued care for himself or herself and his or her children infant;

ii) the participant is referred for family planning services;

iii) the participant is referred for postpartum WIC or Commodity Supplemental Food Program (CSFP) certification;

iv) the participant's children are infant is referred for WIC or CSFP certification;

v) the children have infant has begun or been referred for immunizations (if these are not contraindicated or declined by the parent);

vi) the participant has completed application for Medicaid for his or her children infant; and

vii) the participant has been given information regarding child restraint seats.

C) If the participant is moving to another area, the participant's case records may be transferred to the new case management agency if the participant's consent is obtained.

g) Infant Case Management

h) Infant Case Management

A) Assessment and Development of the Care Plan. An assessment or assessments shall be conducted to identify the infant's or the family's needs for health, mental health, social, educational, vocational, child care, transportation or other services. The case manager will analyze all assessment results and, with parent or caregiver, develop an individualized care plan (refer to subsection (4)(2)). Additional assessments to be conducted or arranged by the case manager include:

i) a nutritional assessment of the infant (and the mother if she is breastfeeding) (refer to Section 630.40(b)(1)(E));

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- ii) a psychosocial assessment including composition of family; evidence of bonding with infant; parenting skills and education of parents. Parental problems may need to be assessed also if they impact on the infant;
 - iii) support systems available to parents or caregivers;
 - iv) social and health services currently used by family including source of primary care and emergency care;
 - v) environmental assessment, including at least the condition of housing, availability of utilities (water, heat, light, cooking, refrigeration, sanitation, etc.) and risks of unintentional injury; and
 - vi) developmental assessment of the infant.
- B) Assignment of participants. Each participant should be assigned to one case manager.
- C) Frequency. The case manager should have face to face contact with the participant two weeks following newborn discharge or receipt of referral, and must have face to face contact at two months of age, four months of age, six months of age, nine months of age and twelve months of age, and have as much additional contact as necessary to facilitate the participant's access to services.
- D) Referral and Advocacy. The case manager shall make any necessary referrals and advocate as necessary on the participant's behalf for services identified in the individual care plan, including but not limited to:
- i) the local office of the Illinois Department of Public Aid for assistance or other agencies for needed transportation; casework, or needed social services including food, clothing, shelter, or other material assistance;
 - ii) Special Supplemental Food Program for Women, Infants and Children (WIC);
 - iii) family planning services for the parents; and
 - iv) other social service agencies as needed.

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- E) Follow up and Reassessment. Subsequent case management activities shall include a review of the individual care plan with the parent or caregiver to determine whether problems are being resolved and whether new ones have arisen. The case manager should update the individual care plan, using any additional information received from the physician or other service providers. A copy of the revised care plan should be given to the participant and may be given to the infant's physician.
- 2) High Risk Infant Case Management
- A) Content. High Risk Infant Case Management must include a face to face encounter and includes all the service components of Infant Case Management.
 - B) Frequency. High Risk Infant Case Management is a monthly service.
 - C) Eligibility. Enhanced Infant Case Management may be provided by the case manager when the infant has been identified through the Adverse Pregnancy Outcome Reporting System (APORS) (refer to Ill. Rev. Stat. 1989, ch. 111-1/2, par. 6701 et seq. and 77 Ill. Adm. Code 840.210), when the infant has been diagnosed with a serious medical condition after newborn discharge, when maternal alcohol or drug addiction has been diagnosed or when child abuse or neglect has been indicated based on investigation by the Illinois Department of Children and Family Services. Similarly, APORS infants whose conditions are minor and whose environments are stable may be transferred into the low risk follow-up regime.
- 3) Home Visits. Case management services must be delivered in the participant's home at least once during infancy.
- 4) Case Closure:
- A) Criteria for closure. Case management may be terminated at age one. If case closure occurs at age one, the following criteria should be met, as appropriate to the participant's circumstances:
 - i) the parent(s) or guardian(s) requests closure;
 - ii) the medical provider requests closure with the participant's and case manager's agreement;
 - iii) the participant moves out of the grantee's service area;

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- iv) the participant dies;
 - v) the case manager is no longer able to reach the participant;
 - vi) the infant is enrolled in another agency or program, such as Early Intervention programs for infants and toddlers or the University of Illinois Division of Services for Crippled Children, which provides case management services; or
 - vii) the infant is healthy, meets developmental milestones, and has an adequate family support system.
- B) Content.—At the time of closure, the case manager should ensure that the following activities have been completed, as appropriate for the participant's circumstances:
- i) a source of continued acute and preventive health care is identified;
 - ii) referrals for follow up services are made if the infant does not meet developmental milestones;
 - iii) immunizations are up to date, or reasons for delay are documented; and
 - iv) family has completed application for Medicaid for the infant.
- h) Child Case Management.—"Child" refers to a person whose age is between his or her first (1) and thirteenth (13) birthdays.
- 1) Child Case Management
 - A) Assessment and Development of the Care Plan.—An assessment or assessments must be conducted to identify the child's or family's needs. The case manager will analyze all assessment results and, with the parent(s) or caregiver(s), develop an individualized care plan (refer to subsection (d)(3)). The case manager should ensure that the following assessments are completed:
 - i) a nutritional assessment of the child (which may include interviewing the mother or primary caregiver) (refer to Section 630.40(b)(1)(E));
 - ii) a psychosocial assessment including composition of family;

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- emotional supports, stress, lifestyle and evidence of social problems (for example, substance abuse, mental illness, sexual abuse, and child abuse). If detected or suspected, appropriate intervention and referrals should be made (refer to Section 630.40(b)(5)(D));
 - iii) an assessment of the support systems available to parents or caregivers;
 - iv) identification of the social and health services currently used by family including source of primary care and emergency care; and
 - v) an environmental assessment.
- B) Assignment of participants.—Each participant should be assigned to one case manager.
- C) Frequency.—Case management contact should be made on the basis of identified need or the professional judgment of the case manager. Telephone contact is acceptable when a face to face contact is impossible or if there is satisfactory progress.
- D) Referral and Advocacy.—The case manager shall make any necessary referrals and advocate as necessary on the participant's behalf for services identified in the individual care plan, including but not limited to:
- i) the local office of the Illinois Department of Public Aid for financial assistance or other agencies for needed transportation, casework, or needed social services including food, clothing, shelter, or other material assistance;
 - ii) the Special Supplemental Food Program for Women, Infants, and Children (WIC);
 - iii) Services for Children with Special Health Care Needs from the University of Illinois Division of Services for Crippled Children (DSCC);
 - iv) Early Intervention Services as needed;
 - v) Other social service agencies as needed.

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E) Follow-up.—Subsequent case management contacts shall include a review of the individual care plan by the case manager with the child and the child's parent or caregiver to determine whether problems are being resolved and whether new ones have arisen. The case manager should update the individual care plan using any additional information received from the physician or other service providers. A copy of the revised care plan should be given to the participant and may be given to the child's physician.

2) Home Visits.—Case management services should be delivered in the participant's home when the need has been established, when the child's or family's circumstances change, or more frequently if necessary.

3) Case Closure:

A) Criteria for closure.—Case management will terminate when all identified needs have been resolved, or when:

- i) the participant requests closure;
- ii) the medical provider requests closure with the participant's and case manager's agreement;
- iii) the participant moves out of the grantee's service area;
- iv) the participant dies; or
- v) the case manager is no longer able to reach the participant.

B) Content.—At the time of closure, the case manager should ensure that the following activities have been completed, as appropriate for the participant's circumstances:

- i) the participant has located a medical care provider for continued care;
- ii) the participant is referred for WIC or Commodity Supplemental Food Program (CSFP) certification;
- iii) the participant has begun immunizations (if these are not medically contraindicated or declined by the parent);
- iv) the participant has completed application for Medicaid;

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v) the participant has a child restraint seat or has been instructed in seat belt usage.

i) Adolescent Case Management.—"Adolescent" means a person whose age is between his or her thirteenth (13) and twentieth (20) birthdays.

†) Adolescent Case Management

A) Assessment and Development of the Care Plan.—An assessment of assessments must be conducted to identify the adolescent's needs. The case manager will analyze all assessment results and develop an individualized care plan in conjunction with the adolescent and/or the parent/guardian (refer to subsection (d)(4)). The case manager should ensure that the following assessments are completed:

- i) a nutritional assessment of the adolescent (refer to Section 630.40(b)(1)(E));
 - ii) a psychosocial assessment including composition of family, emotional supports, stress, lifestyle and evidence of social problems (for example, substance abuse, mental illness, sexual abuse, and child abuse). If detected or suspected, appropriate intervention and referrals should be made (refer to Section 630.40(b)(5)(D));
 - iii) support systems available to the adolescent;
 - iv) social and health services currently used by the adolescent including source of primary care and emergency care; and
 - v) an environmental assessment.
- B) Assignment of participants.—Each participant should be assigned to one case manager.
- C) Frequency.—Case management contact should be made on the basis of identified need or the professional judgment of the case manager. At least quarterly telephone contact is acceptable when a face-to-face contact is impossible or if there is satisfactory progress.
- D) Referral and Advocacy.—The case manager shall make any necessary referrals and advocate as necessary on the participant's behalf for services identified in the individual care plan, including but not limited

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- i) the local office of the Illinois Department of Public Aid for financial assistance or other agencies for needed transportation, casework, or needed social services including food, clothing, shelter, or other material assistance;
 - ii) Services for Children with Special Health Care Needs from the University of Illinois Division of Services for Crippled Children (DSCC);
 - iii) other social service agencies as needed.
- E) If the adolescent is or becomes pregnant, the service content would be the same as that for Prenatal Case Management (refer to subsection (f)).
- F) Follow up and Reassessment. Subsequent case management activity must include, as necessary, a review of the individualized care plan to determine whether problems are being resolved or if new problems have arisen. The case manager should utilize recommendations from the physician and other service providers to update the individual care plan. A copy of the revised care plan should be given to the adolescent and may be given to the adolescent's physician. For those services which would not breach client/provider confidentiality, a copy may also be shared with the parent/legal guardian.

2) Home Visits. Case management services should be delivered in the participant's home when the need has been established or when the participant's circumstances change.

3) Case Closure:

A) Criteria for closure. Case management will terminate when all identified needs have been resolved or when:

- i) the participant requests closure;
- ii) the medical provider requests closure with the participant's and case manager's agreement;
- iii) the participant moves out of the grantee's service area;
- iv) the participant dies; or
- v) the case manager is no longer able to reach the participant.

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B) Content. At the time of closure, the case manager should ensure that the following activities have been completed, as appropriate for the participant's circumstances:

- i) the participant has located a medical care provider for continued care and family planning services;
- ii) the participant is referred for educational and social services;
- iii) the participant is referred for WIC or Commodity Supplemental Food Program (CSFP) certification;
- iv) the participant's immunizations are current or complete; and
- v) the participant has completed application for Medicaid.

(f) Case Management Coordination. Department grantees providing case management services should engage in activities (as described below) to coordinate with other agencies in the grantee's service area that provide case management services to the same types of persons as the grantee has agreed to serve. These activities are intended to avoid duplication of case management services at the local level and ensure that each participant has only one lead case manager at any given time.

1) The case management agency should ensure that every family enrolled in case management continues to utilize primary medical care, regardless of the lead case management agency working with the family.

2) Case Management Coordination Agreements. Grantees of the Department's Division of Family Health should enter into written agreements with other agencies with the same geographic service area (in whole or in part) and with comparable scope of case management activities regarding coordination of case management services. These agreements must at least specify each grantee's target group for services; referral procedures; procedures to obtain informed consent for services and protection of participant's privacy; and procedures to determine the agency most appropriate to provide case management services.

3) Determination of the Agency or Program most appropriate for the delivery of case management services. Following the assessments of a participant's service needs, the case manager, other involved service providers, and the participant (and the participant's parent(s) or legal guardian(s), depending upon the participant's ability to consent for services) should determine the one agency or program most appropriate to take a lead role in providing case management services if any of the criteria listed below are met. Only those

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providers for which the participant has given written consent may participate in the determination of the most appropriate agency or program to provide case management. The criteria requiring such a determination are:

A) Following the assessments of a participant's service needs, the case manager, other involved service providers, and the participant (and the participant's parent(s) or legal guardian(s), depending upon the participant's ability to consent for services) should determine the one agency or program most appropriate to take a lead role in providing case management services if any of the criteria listed below are met. Only those providers for which the participant has given written consent may participate in the determination of the most appropriate agency or program to provide case management. The criteria requiring such a determination are:

Ai) the participant's most important problem requires expertise for case management that the grantee's staff does not possess;

Bii) the participant's most important problem requires expertise for case management that another agency's staff does possess;

Ciii) the participant's problems are so complex as to require the close collaboration of several agencies for successful case management; and

Div) the participant prefers to obtain case management services from another agency.

B) If during the course of delivering case management services the participant's needs for services change substantially or new problems emerge that meet the criteria enumerated above (subsection (j)(2)(A)), the designation of the most appropriate agency to provide case management should be reviewed and changed if appropriate. The decision to change the designation should include the participant; the participant's parent(s) or legal guardian(s), depending upon the participant's ability to consent for services; the case manager; and relevant service providers.

C) If the Department-funded program or grantee is not selected as the most appropriate case management provider, the program or grantee should close the participant's case with regard to case management services. The case may be reopened in response to changing circumstances, as provided above in subsection (j)(2)(B).

k) Criteria for Certifying Agencies to Conduct Outreach and Case Management

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Activities:

1) Grantees of the Illinois Department of Public Health conducting outreach and case management activities must apply for certification as a case management agency. Certified agencies will enter into a written agreement with the Department to conduct these activities.

2) Application Process for Certification as a Case Management Agency:

A) The annual funding application must provide assurance that the applicant is in compliance with the requirements set forth in subsections (b)(1) and (2) and describe in detail how it will meet the program requirements set forth in subsections (b)(3) through (8) and describe in detail how it will provide services in accordance with the requirements set forth in subsections (c) through (i). Further, the agency must agree on a continuing basis to comply with this Part and all applicable Federal and State laws and regulations. (See Title XIX of the Federal Social Security Act (42 U.S.C.A., Section 1306 et seq.) and The Illinois Public Aid Code (Ill. Rev. Stat. 1980, ch. 23, par. 1-1 et seq.)).

B) The Department will notify successful applicants in writing. The Department shall provide technical assistance to applicants when requested.

3) Certification

A) Provisional certification will be awarded for 180 days to successful applicants. During this period, the Department will conduct a management and fiscal audit to ensure compliance with these rules. (See Section 6.30.2(b)(e) and (f).)

B) Full certification will be awarded for two years to agencies who successfully complete the audit conducted during provisional certification. During this period, the Department will conduct a management and fiscal audit to ensure compliance with these rules. Successful agencies (based on audit findings) will be recertified for a two year period. Unsuccessful agencies (based on audit findings) will be given provisional certification. The Department may, based on audit, change an agency's certification at any time, or terminate certification, pursuant to Section 6.30.2(b)(h).

g) Allowable Cost for Outreach and Case Management Activities

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- 1) Federal financial participation in outreach and case management is provided through the Medicaid program for coordination of medical and medically-related services for the health and well-being of the participant.
- 2) Allowable Costs for Outreach. Costs incurred for outreach activities as defined in Section 630.70 are allowed. However, health, general education, or other social service activities may not be included as outreach.
- 3) Allowable Costs for Case Management. Salary and other expenses for staff conducting outreach and case management activities must be supported by documentation, as described in subsection (h). Expenses incurred for the provision of any other direct service (including patient teaching) by staff conducting outreach and case management activities must be excluded. If program staff provide other direct services in addition to outreach and case management, the grantee's time and activity reporting system must distinguish between allowable and excluded costs.
- 4) The agency must make its clinical and time reporting records available for inspection by authorized representatives of the Department, the Illinois Department of Public Aid and the Health Care Financing Administration.

Time and Activity Data to be Collected. The following time, activity and participant information must be recorded by each outreach worker, and case manager and case manager assistant on his or her daily activities and the participants served. Specific data entry codes for each item will be specified by the Department. Each report must be signed by the outreach worker, or case manager or case manager assistant making the report, and signed or stamped by the outreach worker's, or case manager's or case manager assistant's supervisor. A time study must be performed each quarter of the State fiscal year for at least one pay period or ten working days, whichever is longer. The time study period for each quarter will be specified by the Department and communicated to the case management agency in writing. During the remainder of each quarter of the State fiscal year, each case manager, case manager assistant or outreach worker must record and report only the information specified in subsection (h)(1), (h)(2), (h)(3), (h)(4), (h)(5)(A), (h)(5)(B), (h)(7), (h)(8), (h)(9), (h)(10), (h)(11) and (h)(12). This requirement applies to case management agencies that are serving clients who do not reside in the service area for the Medicaid Managed Care Demonstration program implemented by the Illinois Department of Public Aid under a waiver from the U.S. Health Care Financing Administration.

- 1) Identification of the agency conducting the outreach or case management activity.
- 2) Identification of the staff person conducting the outreach or case management activity.

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- 3) The date on which the activity was conducted.
- 4) The Medicaid Case Identification Number and the Medicaid Recipient Identification Number. These numbers are assigned by the Illinois Department of Public Aid. These numbers must be recorded if the participant's medical care is being paid for through the Medicaid program.
- 5) Activity. This item describes the outreach worker's, or case manager's or case manager assistant's activity. At a minimum, categories must identify case management; outreach; administration of outreach and case management; accrued benefit time; and other direct services, as follows:
- A) intake interview, assessment or reassessment of participant's needs; development or revision of the Individual Care Plan; referral or advocacy for services; follow-up with the participant or the provider; case closure; and travel;
- B) development or revision of Individual Care Plan;
- C) referral or advocacy for services;
- D) follow-up with participant;
- E) follow-up with provider;
- F) case closure;
- G) travel;
- H) participant staffing and supervision. This includes discussion of a participant's progress with the case management team, a colleague or supervisor to improve the worker's skills in conducting outreach or case management activities;
- I) case notes/client tracking (documenting outreach and case management activities) and reporting (completing reporting forms required by IDPH);
- B) outreach/case finding;
- C) administration of outreach and case management activities. This includes administrative activities not attributable to a specific client such as the development of monthly or annual program plans or budgets; planning project activities; developing linkage agreements or

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referral arrangements with community service providers; supervision of staff; preparation of routine correspondence; preparation of travel vouchers, telephone logs and similar activity records (except case notes and client tracking); staff supervision, and preparation of case notes and reports;

DE) staff training and evaluation. Time spent in continuing education, in-service or other training programs, and time spent in performance evaluation;

EM) accrued benefit time (sick leave, vacation, compensatory time, etc.);

EN) health education. Time spent directly providing health education to the participant;

EO) counseling. Time spent directly providing counseling to the participant; and

HP) other direct services to participants not involving outreach or case management.

6) Time Spent. The amount of time spent on each activity.

7) Case Number. The participant's case number assigned by the Department's Case Management Information System or other software provided by the Department for this purposegrantee.

8) Participant's name.

9) Medicaid Status. The participant's eligibility status for the Medicaid program. At a minimum, the participant must be classified as:

- A) ineligible. This includes participants who are ineligible for the Medicaid program; or
- B) active. The participant is eligible for the Medicaid program at the time case management activities are conducted; or
- C) the participant is in the process of applying for the Medicaid program. This includes discussing the participant's potential eligibility for Medicaid, as well as assistance provided while the participant's Medicaid application is pending; or
- D) "Healthy Start" (Medicaid Presumptive Eligibility). The participant

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has been presumed eligible for the Medicaid Program by an agency qualified to make that determination; or

E) Spend-down. The participant has been placed on spend-down status by the Illinois Department of Public Aid as defined in 89 Ill. Adm. Code 120.60(d) and 120.384.

10) Program. The grant program or programs through which the participant is receiving case management. ~~At a minimum, the following programs must be included:~~

A) Families with a Future;

B) Drug Free Families with a Future;

C) Prenatal Care; and

D) Parents Too Soon.

11) Case Type. The participant's eligibility for case management on the basis of age or pregnancy. ~~At a minimum, participants may be classified as: pregnant women without any children; pregnant women with one or more children over age one; pregnant women with one or more children under age one; nonpregnant women with one or more children under age one; child under age one, either (for example, other significant family members who may be caring for, or have custody of, an infant or child receiving case management services).~~

12) Site of Contact. Where the contact between the case manager and the participant or provider occurred. At a minimum, this must be classified as: the participant's home; the case manager's office; or off site, including transporting participants.

13) Method of Contact. How contact between the case manager and the participant or provider occurred. At a minimum, this must be classified as: individual, face-to-face contact; group contact; telephone contact; home visit; or unsuccessful home visit.

14) Service. Describes the predominant service provided to, discussed with, or arranged for a participant during a specific activity. At a minimum, the following services must be recorded as appropriate

A) Services covered by the Illinois Medicaid Plan. Family Planning services. ~~Referred to or discussed the need for family planning~~

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services.—These services must be provided consistent with 77 Ill. Adm. Code 635: Family Planning Services Code.

- B) Services not covered by the Illinois Medicaid Plan. Pregnancy testing and counseling.—Referred to or discussed the need for pregnancy testing and counseling. Pregnancy testing and counseling consists of providing a laboratory test, as well as counseling about all options regarding pregnancy continuation, and should include referral for history and physical exam to confirm a pregnancy.

- C) Prenatal care.—Referred to or discussed the need for prenatal care.—Includes early referral to a comprehensive prenatal care provider for medical, social and educational services with a defined link for delivery services, as well as referral for high risk perinatal medical care.—Refer to Section 630.30.

- D) 0-3 early intervention.—Referred to or discussed the need for early intervention services.—Includes services which are designed to identify and treat developmentally disabled children from birth to three years of age.

- E) Substance abuse program.—Referred to or discussed the need for substance abuse treatment.

- F) Individual and family counseling or psychosocial counseling.—Referred to or discussed the need for counseling or psychotherapy.—Includes diagnosis and treatment by a qualified mental health professional to enhance or maintain the well being of the individual and the development of social support systems within the family.

- G) Well-Child/EPSTD/Healthy Kids.—Referred to or discussed the need for routine or acute pediatric care.—Includes preventive medical and dental services provided to children following the American Academy of Pediatrics guidelines.—Refer to Section 630.40.

- H) Public Health Nursing services.—Referred to or discussed the need for public health nursing services.—Includes prenatal and pediatric home visits and follow up for infants identified as being at risk or high risk for the Adverse Pregnancy Outcome Reporting System.

- I) Medically necessary transportation.—Providing or arranging transportation to medically necessary services (including physician visits).

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- J) Transportation.—Includes providing or arranging transportation to nonmedical services determined to be in keeping with the client's care plan.

- K) WIC/MAC/CSFP.—Referred to or discussed need for WIC (Special Supplemental Food Program for Women, Infants and Children), MAC (Mother and Child Nutrition Program) or CSFP (the Commodity Supplemental Food Program).

- L) Housing.—Referred to or discussed the need for emergency, transitional or permanent housing.

- M) Job training or employment.—Referred to or discussed the need for education or training for future employment; includes assistance given a client in seeking employment.

- N) Infant and child day care.—Includes referral or discussion of the need for child care services while parents are in school, working or receiving families with a future services.

- O) Environmental protection and injury prevention.—Includes counseling about common accidents and injuries to infants along with implementation of intervention for risk reduction, as well as advocacy and other activities to ensure that the participant's present environment is conducive to health and safety.

- P) Parenting education.—Referred to or discussed the need for education in parenting skills and infant care and development.—Parenting skills education should use established curricula such as the Illinois Department of Children and Family Services "Parenting Training Curriculum" or similar products and supplemented with information on infant care and development.—Refer to Section 630.30(b)(5)(C)(vi).

- Q) Prenatal education.—Referred to or discussed the need for education regarding pregnancy and child birth.—Refer to Section 630.30(b)(3)(L).

- R) Reproductive education.—Referred to or discussed the need for education regarding family life or preconceptional risk identification and counseling, general reproductive anatomy, conception, pregnancy and birth.—Refer to Section 630.30(a)(1).

- 15) Whether a referral was made, refused or not possible for a needed service.

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- (16) The agency to which the participant was referred for a needed service.
- (17) The date on which the referral for a needed service was completed.
- (18) Agency Staff Expenses to be Reported. The following information must be reported by each agency applying, provisionally certified or certified under subsection (b)(4). The information must be provided on a monthly basis, and the report must be signed and dated by an authorized official of the agency. This requirement applies to case management agencies that are serving clients who do not reside in the service area for the Medicaid Managed Care Demonstration Program implemented by the Illinois Department of Public Aid under a waiver from the U.S. Health Care Financing Administration. The information must include:
- 1) the name, actual gross pay and actual paid hours for each full or part-time direct service staff person conducting outreach or case management activities;
 - 2) the full-time equivalence as agency employees for the direct service staff;
 - 3) the name, actual gross pay and proportion of time spent on the case management grant programs for each clerical, secretarial or other staff person supporting the direct service staff;
 - 4) the name and actual gross pay for the staff who supervise direct service staff full time;
 - 5) the name and actual gross pay for agency administrative staff;
 - 6) the length of the agency's regular workday (in hours);
 - 7) the agency's fringe benefit rate; and
 - 8) the total number of full-time equivalent agency employees.
- (19) Agency Operating Expenses to be Reported. The following actual operational expenses for the entire agency which is applying, provisionally certified or certified to conduct outreach and case management activities under subsection (b)(4) must be reported. This data must be submitted on a monthly basis, and the report signed and dated by an authorized official of the agency. This requirement applies to case management agencies that are serving clients who do not reside in the service area for the Medicaid Managed Care Demonstration Program implemented by the Illinois Department of Public Aid under a waiver from the U.S. Health Care Financing Administration. Operating expenses must include the following:
- 1) Rent or interest on mortgages;

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- 2) ~~Interest on loans for facility;~~
 - 23) Maintenance;
 - 34) Utilities;
 - 45) Telephone;
 - 56) Photocopying;
 - 67) Office Supplies;
 - 78) Postage;
 - 89) Insurance;
 - 940) Dues, Subscriptions and Registration Fees;
 - 1044) Travel;
 - 1142) Depreciation on Building;
 - 1243) Equipment;
 - 1344) Depreciation on Equipment;
 - 1445) Contractual Services; and
 - 1546) The total of items listed in subsections (a)(1) through (a)(145).
- (Source: Amended at 18 Ill. Reg. _____, effective **MAR 05 1994**)

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NOTICE OF ADOPTED REPEALER

1) The Heading of the Part:

Minimum Qualifications for Personnel Employed by Local Health Departments Code

2) Code Citation:

77 Ill. Adm. Code 600

3) Section Numbers:Adopted Action:

600.100 Repealer
 600.110 Repealer
 600.120 Repealer
 600.130 Repealer
 600.140 Repealer
 600.200 Repealer
 600.210 Repealer
 600.220 Repealer
 600.230 Repealer
 600.240 Repealer
 600.250 Repealer
 600.300 Repealer
 600.310 Repealer
 600.320 Repealer
 600.330 Repealer
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600.930 Repealer
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 600.1100 Repealer
 600.1110 Repealer
 600.1120 Repealer
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 600.1300 Repealer
 600.1310 Repealer
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 600.1410 Repealer
 600.1500 Repealer
 600.1600 Repealer
 600.1610 Repealer

4) Statutory Authority:

Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5/]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 0.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55]

5) Effective Date of Rulemaking:

March 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date?

No

7) Does this Rulemaking Contain any Incorporation by Reference?

No

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8) Date Filed in Agency's Principal Office:

March 1, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

(17 Ill. Reg. 14831 - September 17, 1993)

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

There are no changes between the proposal and final versions of this rulemaking.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Joint Committee on Administrative Rules did not issue an agreement letter for this rulemaking, as no agreements were necessary.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

Section Numbers	Proposed Action	Ill. Reg. Citation
Summary and Purpose of Rulemaking:		
These rules, which set forth minimum requirements for personnel employed by local health departments, have been repealed and replaced by rules adopted at 77 Ill. Adm. Code 600, which also appear in this issue of the Illinois Register. The new rules establish requirements for certification of local health departments by the Department.		

15) Summary and Purpose of Rulemaking:

These rules, which set forth minimum requirements for personnel employed by local health departments, have been repealed and replaced by rules adopted at 77 Ill. Adm. Code 600, which also appear in this issue of the Illinois Register. The new rules establish requirements for certification of local health departments by the Department.

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NOTICE OF ADOPTED REPEALER

16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Section Number: Emergency Action:
600.300 Amendment
600.320 New Section
- 4) Statutory Authority: Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, par. 108) [225 ILCS 470/8]
- 5) Effective Date of Amendments: MAR 07 1994
- 6) If this is emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed in Agency's Principal Office: March 7, 1994

8) Reason for the Emergency:

The Department of Agriculture has been challenged in court regarding the application of the National Institute of Standards and Technology (NIST) Handbook 44 requirements to certify scales used for the enforcement of highway weight laws. By establishing specific testing procedures for scales used for the enforcement of highway weight laws, this regulation will insure the safety of highways to the motoring public and minimizes the damage to highways and bridges from vehicles which are illegally overweight.

This emergency rulemaking will be effective for a maximum of 150 days. The regular rulemaking process will begin as soon as possible.

- 9) A Complete Description of the Subjects and Issues Involved:
NIST Handbook 44 has been adopted as the specifications and tolerances for all types of commercially-used weighing and measuring devices (225 ILCS 470/8). The scale code of NIST Handbook 44 contains the requirements which scales must comply. Several of the requirements are type evaluation criteria. These are applied when the devices are first evaluated by a National Type Evaluation Program laboratory. Defense attorneys are using these requirements as rationale that the field test performed by department personnel is not complete because all of the requirements of the Handbook were not met. For example, a scale must be accurate at all temperature ranges. Because we do not test a scale at every temperature point a scale is being used, the scale cannot be certified. Other requirements of the Handbook being

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challenged are barometric pressure, radio frequency interference, electromagnetic interference, time dependence tests, and other sections too numerous to mention. These requirements are not field inspection tests. This regulation will clarify the procedures for certifying scales used for the enforcement of highway weight laws.

- 10) Are there any proposed amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: Rulemaking will benefit local law enforcement agencies using these scales to enforce highway weight laws.
- 12) Information and questions regarding this adopted amendment shall be directed to:
Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-2172

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER P: WEIGHTS AND MEASURES

PART 600
WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

Section 600.1	National Bureau of Standards Handbook 130
600.10	Definitions (Repealed)
600.20	Application (Repealed)
600.30	Identity (Repealed)
600.40	Declaration of Identity: Nonconsumer Package (Repealed)
600.50	Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.60	Declaration of Quantity: Consumer Packages (Repealed)
600.70	Declaration of Quantity: Nonconsumer Packages (Repealed)
600.80	Prominence and Placement: Consumer Packages (Repealed)
600.90	Prominence and Placement: Nonconsumer Package (Repealed)
600.100	Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
600.110	Exemptions (Repealed)
600.120	Variations to be Allowed (Repealed)
600.130	Standards of Fill (Repealed)
600.140	Wholesale and Retail Exemption
600.150	Revocation of Conflicting Regulations (Repealed)
600.160	Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

Section 600.250	Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)
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SUBPART C: LIQUID WEIGHING AND MEASURING DEVICES:
METERS -- SCALES -- FEES

Section 600.300	Vehicle Scales Regulation
EMERGENCY	
600.310	Fees
600.320	Scales Used for the Enforcement of Highway Weight Laws
EMERGENCY	

SUBPART D: MOISTURE METER TESTING

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Section 600.350	General (Repealed)
600.360	Testing and Inspection (Repealed)
600.370	Rejected Moisture Testing Devices (Repealed)
600.380	Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,
AND SPECIAL SEALERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

Section 600.450	Policy (Repealed)
600.460	Definitions (Repealed)
600.470	Certificate of Registration (Repealed)
600.480	Types of Certificates (Repealed)
600.490	Examinations (Repealed)
600.500	Exemptions (Repealed)
600.510	Registration Fee (Repealed)
600.520	Reports (Repealed)
600.530	Bonds (Repealed)
600.540	Standards and Testing Equipment (Repealed)
600.550	Revocation of Certificate of Registration (Repealed)
600.560	Publication of Lists (Repealed)

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section 600.650	Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon
600.660	Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
600.670	System Used to Sell Petroleum Product
600.680	Unit Price Per Gallon Displayed (Repealed)
600.690	Price of Gasoline
600.700	Unit Price Indicator: Set at One Half Total Selling Price
600.710	Decals or Stickers Affixed to the Pump Face
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility
600.760	Stop Use Order; Hearing

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID

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PETROLEUM PRODUCTS

Section	Price Per Gallon or Liter in Advertisement
600.800	Height and Width of Numbers
600.810	Advertised Price Complete
600.820	Advertising Other Commodities; Misleading Advertising Prohibited
600.830	Product Identity and Type of Service
600.840	Advertisement of Price Not Required Except on Pump
600.850	Stop Use Order; Hearing
600.860	Minimum Height of Numbers and Letters (Repealed)
TABLE A	Standard Weight Per Bushel for Agricultural Commodities
TABLE B	Illinois Standard Weights and Measures
TABLE C	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
TABLE D	Weights of Coal Per Cubic Foot
TABLE E	Equivalents to be used by Seller in Transposing Weights
TABLE F	Measurement of Surfaces and Volumes
TABLE G	

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act (Ill. Rev. Stat. 1987 1991, ch. 147, par. 108) [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; filed November 5, 1971, effective November 15, 1971; filed August 26, 1975, effective September 4, 1975; filed March 22, 1976, effective April 1, 1976; 3 Ill. Reg. 45, p. 72, effective October 29, 1979; 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562, effective October 1, 1981; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988; emergency amendment at 18 Ill. Reg. 1988, effective MAR 07 1994 for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: LIQUID WEIGHING AND MEASURING DEVICES:
METERS -- SCALES -- FEES

Section 600.300 Vehicle Scales Regulation EMERGENCY

- a) All Except for scales used for the enforcement of highway weight laws, all vehicle scales shall comply with the requirement of the National Bureau of Standard's Handbook 44, which is adopted in Section 8 of the Weights and

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Measures Act (Ill. Rev. Stat. 1987 1991, ch. 147, par. 108) [225 ILCS 470/8] and shall, in addition, meet either 1, 2 or 3 of the following requirements:

- 1) Pit Vehicle Scales - All pit vehicle scales shall be installed to comply with the following requirements:
 - A) The pit shall have a minimum depth of 32 inches to be measured from the bottom of the eyebeam to the floor of the pit.
 - B) Floor of the pit is to be constructed of concrete with drainage.
- 2) Low Profile Pitless Vehicle Scales - All low profile pitless vehicle scales shall be installed to comply with the following requirements:
 - A) A concrete pad shall be poured underneath the entire length and width of the scale at or above ground level.
 - B) The scale shall be installed to insure that surface water will drain away from the scale area.
 - C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad of the underneath side of the scale.
 - D) Clearance of at least three feet shall be provided around the sides of the scale to insure for proper cleaning and servicing.

3) Portable Pitless Vehicle Scales

- A) Temporary Use of Scale - the scale may be used at the same facility for a period of not more than twelve months from the date of the initial state certification.
- B) Limited Use of Scale - the scale shall be used only for the weighing of soil, gravel, sand, cement and other building materials.
- C) State Test Required - a state scale test (Sections 10 and 30 of the Weights and Measures Act) is

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required prior to the use of the scale. This procedure is to be repeated each time the scale is moved.

- b) Livestock Scales. Livestock scales shall comply with the requirements of National Bureau of Standards Handbook 44 and regulations established by the U.S. Department of Agriculture, Packers and Stockyards Division.
- c) National Bureau of Standards Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective MAR 07 1994, for a maximum of 150 days)

Section 600.320 Scales Used for the Enforcement of Highway Weight Laws
EMERGENCY

The following procedures will be used to determine the certification of scales used for the enforcement of highway weight laws. These procedures will determine if a scale(s) is to be certified or condemned. These rules supersede those published in the National Institute of Standards and Technology's Handbook 44.

- a) An increasing load test consisting of at least 20,000 pounds of known test weight shall be conducted on all scales. A minimum of two known test weight loads shall be applied, normally at the capacity of test weight load and another at one half capacity of the test weight load to each scale.
- b) One decreasing load test shall be conducted at 12,000 pounds of known test weight to 9,000 pounds of known test weight. If multiple scales are used in combination, a decreasing load test shall be performed on at least one scale.
- c) A minimum strain load test shall be conducted as follows:
 - 1) wheel load and portable axle load scales - 20,000 pounds
 - 2) permanently installed axle load scales - 20,000 pounds
 - 3) all other scales - 40,000 pounds

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- d) At least one repeatability test shall be conducted at 12,000 pounds. Any errors found shall agree within the absolute value of the maintenance tolerance for that load, and shall be within applicable tolerance.
- e) The tolerances to each of the above tests shall be those listed in the scale code of the latest edition of the National Institute of Standards and Technology's Handbook 44.
- f) All new scales and associated equipment must have a certificate of conformance issued by the National Type Evaluation Program.
- g) Electronic indicating elements equipped with recording elements shall be equipped with effective means to permit the recording of weight values only when the indication is stable within plus or minus three scale divisions.
- h) The maximum scale division shall be 100 pounds.
- i) For axle, portable axle, and wheel load weigher scales, a vehicle must be in a reasonably level condition at the time the weight is being determined. Reasonably level means the vehicle must remain stationary during weighing without the use of any external braking force.
- j) For all other scales used to determine the weight of axles when part of the truck is not resting on a scale, the vehicle must be in a reasonably level condition at the time the weight is being determined.
- k) All scales used for the enforcement of highway weight laws shall be certified at least once every twelve months.
- l) Any registered serviceperson of the Illinois Department of Agriculture has the authority to place into service scales used for the enforcement of highway weight laws if the serviceperson conforms to the procedures listed above.

(Source: Emergency rule added at 18 Ill. Reg. _____, effective MAR 07 1994, for a maximum of 150 days)

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The notice of Adopted amendments being corrected appeared at 18 Ill. Reg. 1308, January 28, 1994.

The information being corrected is as follows.

1) Heading of the Part: STANDARDS FOR NEW SOLID WASTE LANDFILLS

2) Code Citation: 35 Ill. Adm. Code 811

3) Section Numbers: Adopted Action:

811.101	Amendment
811.107	Amendment
811.110	Amendment
811.111	Amendment
811.112	New Section
811.302	Amendment
811.303	Amendment
811.309	Amendment
811.310	Amendment
811.311	Amendment
811.314	Amendment
811.318	Amendment
811.319	Amendment
811.320	Amendment
811.323	Amendment
811.324	New Section
811.325	New Section
811.326	New Section
811.700	Amendment
811.701	Amendment
811.702	Amendment
811.703	Amendment
811.704	Amendment
811.705	Amendment
811.706	Amendment
811.707	Amendment
811.708	Amendment
811.709	Amendment
811.710	Amendment
811.711	Amendment
811.712	Amendment
811.713	Amendment
811.714	Amendment
811.715	Amendment
811.App. A,	Illustration A
811.App. A,	Illustration C
811.App. A,	Illustration D

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811.App. A, Illustration E Amendment
811.App. B New Section

4) Statutory Authority: Implementing Sections 5, 21, 21.1, 22, 22.17, 22.40 and 28.1, and authorized by Section 27 of the Environmental Protection Act as amended by P.A. 88-512 and 88-496 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1022.40, 1028.1 and 1027 [415 ILCS 5/5, 5/21, 5/21.1, 5/22, 5/22.17, 5/22.40, 5/28.1 and 5/27]).

5) Effective Date of Rule(s): JAN 13 1994

6) Does this rulemaking contain an automatic repeal date?: No

7) Does this rule contain incorporations by reference? No

8) Date filed in Board's principal office: December 17, 1993

9) Notice of Proposal Published in Illinois Register:

17 Ill. Reg. 8714, June 18, 1993

10) Has JCAR issued a Statement of Objections to these rules? No

Section 22.40 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.40 [415 ILCS 5/22.40]) as amended by P.A. 88-512 and 88-496 provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Appendix B was added to indicate the correlation between the Board's regulations and the Code of Federal Regulations. Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.40 of the Environmental Protection Act as amended by P.A. 88-512 and 88-496 provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will this rule replace an emergency rule currently in effect?
No

14) Are there any other amendments pending on this Part? No

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15) Summary and purpose of Rule:

A more detailed description is contained in the Board's opinions issued on June 3, 1993, September 16, 1993, and December 16, 1993, in R93-10, those opinions are available from the address below.

The Board is initiating certain amendments to Parts 810, 811, and 814 of its nonhazardous waste landfill regulations so as to make them at least as stringent as the USEPA regulations implementing Subtitle D of the Resource Conservation and Recovery Act (RCRA). The USEPA regulations address Municipal Solid Waste Landfill Facilities (MSWLF). The federal Subtitle D landfill regulations are found at 40 CFR 258. This rulemaking updates Illinois Nonhazardous Waste Landfill rules to correspond with the major federal rulemaking of October 9, 1991, at 56 Fed. Reg. 50978.

The enabling State legislation, HB 299, contains a new Section 22.40 in the Environmental Protection Act (Act) which mandates Board rulemaking. This mandate requires that the Board adopt regulations pursuant to Section 7.2 of the Act that are identical in substance to regulations adopted by the USEPA to implement Sections 4004 and 4010 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, codified as 42 U.S.C. §§ 6944 & 6950). Presently pending Section 22.40 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, par. 1022.40 [415 ILCS 5/22.40]), H.B. 299 provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

Specifically, the amendments to Part 811 include several changes and additions to the existing standards applicable new landfills in order to make them at least as stringent as the USEPA regulations implementing Subtitle D of the Resource Conservation and Recovery Act (RCRA). Briefly, the amendments clarify the applicability of Part 811 to new MSWLF units and specify the additional requirements relating to the following standards:

- (i) Location standards: restricts locating new MSWLF units near airports.
- (ii) Operating standards: restricts disposal of liquids in new MSWLF units.
- (iii) Closure plan: specifies time restriction for initiating and completing closure.
- (iv) Postclosure care: extends postclosure care period.

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- (v) Recordkeeping: requires maintenance of operating record on site.
- (vi) Groundwater monitoring and corrective action: additional requirements relating to detection monitoring, assessment monitoring, and remedial action.
- (vii) Financial assurance: expands the scope of the provisions to include local governments and requires financial assurance for corrective action.

16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
Illinois Pollution Control Board
100 W. Randolph St., Ste. 11-500
Chicago, IL 60610
312-814-4925

The full text of the adopted rule begins on the following page:

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Section 811.323 Load Checking Program

a) The operator shall implement a load checking program that meets the requirements of this Section, for detecting and discouraging attempts to dispose regulated hazardous wastes at the facility. For purposes of this Section and Section 811.406, "regulated hazardous wastes" are wastes defined as such under RCRA, at 35 Ill. Adm. Code 721, and subject to regulations under 35 Ill. Adm. Code: Subtitle G.

b) In addition to checking for hazardous waste in accordance with subsection (a), the load checking program at a MSWLF unit shall include waste load inspection for detecting and discouraging attempts to dispose "polychlorinated biphenyl wastes" as defined in 40 CFR 761.3 (1992).

BOARD NOTE: Subsection (b) is derived from 40 CFR 258.20(a) (1992).

b) The load checking program shall consist of, at a minimum, the following components:

1) Random inspections

A) An inspector designated by the facility shall examine at least three random loads of solid waste delivered to the landfill on a random day each week. The drivers randomly selected by the inspector shall be directed to discharge their loads at a separate, designated location within the facility. The facility shall conduct a detailed inspection of the discharged material for any regulated hazardous, or other unacceptable wastes that may be present. Cameras or other devices may be used to record the visible contents of solid waste shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

B) If regulated hazardous wastes or other unacceptable wastes are suspected, the facility shall communicate with the generator, hauler or other party responsible for shipping the waste to the facility to determine the identity of the waste.

2) Recording inspection results

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Information and observations derived from each random inspection shall be recorded in writing and retained at the facility for at least three years. The recorded information shall include, at a minimum, the date and time of the inspection; the names of the hauling firm and the driver of the vehicle; the vehicle license plate number; the source of the waste, as stated by the driver; and observations made by the inspector during the detailed inspection. The written record shall be signed by both the inspector and the driver.

3) Training

The solid waste management facility shall train designated inspectors, equipment operators, weigh station attendants, spotters at large facilities, and all other appropriate facility personnel in the identification of potential sources of regulated hazardous wastes and other unacceptable wastes, including but not limited to PCBs. The training program shall emphasize familiarity with containers typically used for regulated hazardous wastes and with labels for regulated hazardous wastes, under RCRA, and for hazardous materials under the Hazardous Materials Transportation Act (49 U.S.C. 1801 et. seq.).

ed) Handling Regulated Hazardous Wastes

1) If any regulated hazardous wastes are identified by random load checking, or are otherwise discovered to be improperly deposited at the facility, the facility shall promptly notify the Agency, the person responsible for shipping the wastes to the landfill, and the generator of the wastes, if known. Waste loads identical to the regulated hazardous waste identified through the random load checking which have not yet been deposited in the landfill shall not be accepted. The area where the wastes are deposited shall immediately be cordoned off from public access. The solid waste management facility shall assure the cleanup, transportation and disposal of the waste at a permitted hazardous waste management facility.

2) The party responsible for transporting the waste to the solid waste management facility shall be responsible for the costs of such proper cleanup,

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transportation and disposal.

- 3) Subsequent shipments by persons or sources found or suspected to be previously responsible for shipping regulated hazardous waste shall be subject to the following special precautionary measures prior to the solid waste management facility accepting wastes. The operator shall use precautionary measures such as questioning the driver concerning the waste contents prior to discharge and visual inspection during the discharge of the load at the working face or elsewhere.

(Source: Amended in R93-10 at Ill. Reg. _____, effective
JAN 13 1994)

Section 811.324 Corrective Action Measures for MSWLF Units

- a) The owner or operator shall initiate an assessment of corrective action measures within 14 days of the following:

- 1) The groundwater impact assessment, performed in accordance with subsection 811.319(b), indicates that a confirmed increase above the applicable groundwater quality standards of Section 811.320 is attributable to the solid waste disposal facility.
- 2) The assessment monitoring, performed in accordance with subsection 811.319(b), indicates that a confirmed increase above the applicable groundwater quality standards of Section 811.320 is attributable to the solid waste disposal facility.

- b) The owner or operator shall complete the corrective action assessment within 90 days of initiating the assessment of corrective action measures in accordance with subsection (a).

- c) The owner or operator shall continue to monitor in accordance with the assessment monitoring program, as specified in Section 811.319(b).

- d) The assessment shall include an analysis of the effectiveness of various potential corrective action measures in meeting all of the requirements and objectives of the remedy, as described under Section 811.325, addressing at least the following:

- 1) The performance, reliability, ease of

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implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;

- 2) The time required to begin and complete the remedy;
- 3) The costs of remedy implementation; and
- 4) The institutional requirements, such as State or local permit requirements or other environmental or public health requirements, that may substantially affect implementation of the remedies.

- e) The owner or operator must discuss the results of the corrective action measures assessment prior to the selection of a remedy in a public meeting with interested and affected parties. Prior to the public meeting, the owner or operator of the MSWLF unit shall submit to the Agency a report describing the results of the corrective action measures assessment.

BOARD NOTE: Requirements of this Section are derived from 40 CFR 258.56 (1992).

(Source: Added in R93-10 at Ill. Reg. _____, effective -
JAN 13 1994)

Section 811.325 Selection of remedy for MSWLF Units

- a) Within 90 days of the completion of the corrective action measures assessment conducted under Section 811.324, the owner or operator of a MSWLF unit shall:

- 1) Select a remedy based on the assessment results that, at a minimum, meets the requirements of subsection (b); and
 - 2) Submit to the Agency an application for a significant modification to the landfill permit describing the selected remedy and how it meets the standards set forth in subsection (b).
- b) Remedies selected under this Section must meet the following requirements:
- 1) They must be protective of human health and the environment;

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- 2) They must attain the groundwater quality standards prescribed at Section 811.320;
- 3) They must control the sources of release so as to reduce or eliminate, to the maximum extent practicable, further releases of constituents detected under the assessment monitoring into the environment that may pose a threat to human health or the environment; and
- 4) They must comply with standards for management of wastes as specified in Section 811.326(d).

c) In selecting a remedy that meets the requirements of subsection (b), the owner or operator shall consider the following evaluation factors:

- 1) The long- and short-term effectiveness and protectiveness of the potential remedies, along with the degree of certainty that the remedy will prove successful based on consideration of the following factors:
 - A) The magnitude of reduction of existing risks;
 - B) The magnitude of residual risks in terms of likelihood of further releases due to waste remaining following implementation of a remedy;
 - C) The type and degree of long-term management required, including monitoring, operation, and maintenance;
 - D) Any short-term risks that might be posed to the community, workers, or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal or containment;
 - E) The length of time until full protection is achieved;
 - F) Any potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with

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excavation, transportation, redisposal, or containment;

G) The long-term reliability of engineering and institutional controls; and

H) The potential need for replacement of the remedy.

2) The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:

A) The extent to which containment practices will reduce further releases; and

B) The extent to which treatment technologies may be used.

3) The ease or difficulty of implementing potential remedies based on consideration of the following types of factors:

A) The degree of difficulty associated with constructing the technology;

B) The expected operational reliability of the technologies;

C) The need to coordinate with and obtain necessary approvals and permits from other agencies;

D) The availability of necessary equipment and specialists; and

E) The available capacity and location of needed treatment, storage, and disposal services.

4) The practicable capability of the owner or operator to implement the remedies, including a consideration of the technical and economic capability.

5) The degree to which community concerns are addressed by potential remedies.

d) Schedule for implementing remedial action.

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1) The owner or operator shall specify as part of the selected remedy a schedule(s) for initiating and completing remedial activities. Such a schedule must require the initiation of remedial activities within a reasonable period of time, taking into consideration the factors set forth in subsections (d)(3)(A) through (d)(3)(H).

2) The Agency shall specify the time period for initiating remedial action in the facility's permit.

3) The owner or operator shall consider the following factors in determining the schedule of remedial activities:

- A) The extent and nature of contamination;
- B) The practical capabilities of remedial technologies in achieving compliance with the groundwater quality standards established under Section 811.320 and other objectives of the remedy;
- C) The availability of treatment or disposal capacity for wastes managed during implementation of the remedy;
- D) The desirability of utilizing technologies that are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives;
- E) Any potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;
- F) Any resource value of the aquifer including:
 - i) Any current and future uses;
 - ii) The proximity and withdrawal rate of users;
 - iii) The ground-water quantity and quality;
 - iv) The potential damage to wildlife, crops,

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vegetation, and physical structures caused by exposure to waste constituent:

v) The hydrogeologic characteristic of the facility and surrounding land;

vi) The ground-water removal and treatment costs;

vii) The cost and availability of alternative water supplies;

G) The practicable capability of the owner or operator to implement the remedies; and

H) Any other relevant factors.

e) The Agency shall determine that remediation of a release of one or more constituents monitored in accordance with Section 811.319 from a MSWLF unit is not necessary if the owner or operator demonstrates to the Agency that:

1) The groundwater is additionally contaminated by substances that have originated from a source other than the MSWLF unit and those substances are present in such concentrations that cleanup of the release from the MSWLF unit would provide no significant reduction in risk to actual or potential receptors; or

2) The constituents are present in groundwater that:

A) Is not currently or reasonably expected to be a source of drinking water; and

B) Is not hydraulically connected with waters to which the hazardous constituents are migrating or are likely to migrate in concentrations that would exceed the groundwater quality standards established under Section 811.320; or

3) The remediation of the release is technically impracticable; or

4) The remediation results in unacceptable cross-media impacts.

f) A determination by the Agency pursuant to subsection (e)

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shall not affect the Agency's authority to require the owner or operator to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and which reduce threats to human health or the environment.

BOARD NOTE: The requirements of this Section are derived from 40 CFR 258.57 (1992).

(Source: Added in R93-10 at Ill. Reg. _____, effective -
JAN 13 1994)

Section 811.326 Implementation of the corrective action program at MSWLF Units

a) Based on the schedule established under section 811.325(d) for initiation and completion of corrective action, the owner or operator shall:

1) Establish and implement a corrective action groundwater monitoring program that:

A) At a minimum, meets the requirements of an assessment monitoring program under Section 811.319(b);

B) Indicates the effectiveness of the remedy; and

C) Demonstrates compliance with ground-water protection standard pursuant to subsection (e) of this Section.

2) Implement the remedy selected pursuant to Section 811.325.

3) Take any interim measures necessary to ensure the protection of human health and the environment. The interim measures should, to the greatest extent practicable, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to Section 811.325. The owner or operator shall consider the following factors in determining whether interim measures are necessary:

A) The time required to develop and implement a

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final remedy:

B) Any actual or potential exposure of nearby populations or environmental receptors to hazardous constituents;

C) Any actual or potential contamination of drinking water supplies or sensitive ecosystems;

D) Any further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;

E) The weather conditions that may cause hazardous constituents to migrate or be released;

F) Any risks of fire or explosion, or potential for exposure to hazardous constituents as a result of an accident or failure of a container or handling system; and

G) Any other situations that may pose threats to human health and the environment.

b) If an owner or operator determines, based on information developed after implementation of the remedy has begun or other information, that compliance with requirements of Section 811.325(b) are not being achieved through the remedy selected, the owner or operator shall:

1) Implement other methods or techniques that could practicably achieve compliance with the requirements, unless the owner or operator makes the determination under subsection (c) of this Section.

2) Submit to the Agency, prior to implementing any alternative methods pursuant to subsection (b)(1), an application for a significant modification to the permit describing the alternative methods or techniques and how they meet the standards of Section 811.325(b).

c) If the owner or operator determines that compliance with the requirements of Section 811.325(b) cannot be practically achieved with any currently available methods, the owner or operator shall:

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- 1) Obtain the certification of a qualified groundwater scientist or a determination by the Agency that compliance with requirements under Section 811.325(b) cannot be practically achieved with any currently available methods.
 - 2) Implement alternative measures to control exposure of humans or the environment to residual contamination, as necessary to protect human health and the environment.
 - 3) Implement alternative measures for control of the sources of contamination, or for removal or decontamination of equipment, units, devices, or structures that are:
 - A) Technically practicable; and
 - B) Consistent with the overall objective of the remedy.
 - 4) Submit to the Agency, prior to implementing the alternative measures in accordance with subsection (c), an application for a significant modification to the permit justifying the alternative measures.
 - 5) For purposes of this Section, a "qualified groundwater scientist" is a scientist or an engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.
- d) All solid wastes that are managed pursuant to a remedy required under Section 811.325, or pursuant to an interim measure required under subsection (a)(3), shall be managed by the owner or operator in a manner:
- 1) That is protective of human health and the environment; and
 - 2) That complies with applicable requirements of Part

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF CORRECTION TO NOTICE ONLY

- 811.
- e) Remedies selected pursuant to Section 811.325 shall be considered complete when:
- 1) The owner or operator complies with the groundwater quality standards established under Section 811.320 at all points within the plume of contamination that lie beyond the zone of attenuation established pursuant to Section 811.320;
 - 2) Compliance with the groundwater quality standards established under Section 811.320 has been achieved by demonstrating that concentrations of the constituents monitored under the assessment monitoring program under Section 811.319(b) have not exceeded the groundwater quality standards for a period of three consecutive years using the statistical procedures and performance standards in Section 811.320(e). The Agency may specify an alternative time period during which the owner or operator must demonstrate compliance with the groundwater quality standard(s). The Agency shall specify such an alternative time period by considering the following factors:
 - A) The extent and concentration of the release(s);
 - B) The behavior characteristics of the hazardous constituents in the ground-water;
 - C) The accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental variabilities that may affect the accuracy; and
 - D) The characteristics of the ground-water; and
 - 3) All actions required to complete the remedy have been satisfied.
- f) Within 14 days of the completion of the remedy, the owner or operator shall submit to the Agency an application for a significant modification of the permit including a certification that the remedy has been completed in compliance with the requirements of subsection (e). The certification must be signed by the owner or operator and

POLLUTION CONTROL BOARD
NOTICE OF CORRECTION TO NOTICE ONLY
by a qualified groundwater scientist.

- g). Upon Agency review and approval of the certification that the corrective action has been completed, in accordance with subsection (e), the Agency shall release the owner or operator from the financial assurance requirements for corrective action pursuant to Subpart G of this Part.

BOARD NOTE: Requirements of this Section are derived from 40 CFR 258.58 (1992).

(Source: ~~1993~~ 1994 in R93-10 at Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE
NOTICE OF RECODIFICATION

- 1) Heading of the Part: Motor Fuel Tax
2) Code Citation: 86 Ill. Adm. Code 500
3) Date of Administrative Code Division Review: MAR 0 4 1994
4) Headings and Section Numbers of the Part Being Recodified:

Section Numbers	Headings
500.101	Basis and Rate of the Motor Fuel Tax
500.102	Definition of Receiver
500.103	Basis and Rate of Tax Payable by Receivers
500.105	Monthly Returns
500.110	Report of Loss of Motor Fuel
500.115	Daily Gallonage Record
500.120	Licenses Are Not Transferable
500.125	Changes of Corporate Officers
500.130	Blenders' Permits Are Not Transferable
500.135	Vehicles of Distributors Transporting Petroleum Products
500.140	Other Vehicles
500.145	Cost of Collection - Determination
500.150	Cost of Collection - Books and Records (Repealed)
500.155	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.160	Claims for Refund - Original Invoices
500.165	Definition of Loss
500.170	Sales of Special Fuel - Variation in Usage
500.175	Special Motor Fuel Permits and Decals
500.180	Estimated Claims Not Acceptable
500.185	Claimants Owning Motor Vehicles
500.190	Detailed Answers
500.195	Revocation of License, Etc. - Notice - Hearing
500.200	Distributors' and Suppliers' Claims for Credit
500.201	Receivers' Claims for Credit
500.205	Procedure when Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.210	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.215	Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.220	Motor Carrier's Quarterly Report
500.225	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required

DEPARTMENT OF REVENUE
NOTICE OF RECODIFICATION

- 500.230 Timely Mailing Treated as Timely Filing and Paying--
Meaning of Due Date Which Falls on Saturday, Sunday or
a Holiday
- 500.235 Incorporation of the Retailers' Occupation Tax Regulations
by Reference

5) Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers	Headings
SUBPART A: DEFINITIONS	
500.101	Definition of Receiver
500.102	Definition of Loss
SUBPART B: MOTOR FUEL TAX	
500.200	Basis and Rate of the Motor Fuel Tax
500.202	Basis and Rate of Tax Payable by Receivers
500.203	Monthly Returns
500.204	Report of Loss of Motor Fuel
500.205	Daily Gallonage Record
500.220	Vehicles of Distributors Transporting Petroleum Products
500.225	Other Vehicles
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235	Claims for Refund - Original Invoices
500.240	Sales of Special Fuel - Variation in Usage
500.245	Estimated Claims Not Acceptable
500.250	Claimants Owning Motor Vehicles
500.255	Detailed Answers
500.260	Revocation of License, Etc. - Notice - Hearing
500.265	Distributors' and Suppliers' Claims for Credit
500.270	Receivers' Claims for Credit
500.275	Procedure when Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.285	Sales of Motor Fuel To Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.290	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required
500.295	Cost of Collection - Determination

DEPARTMENT OF REVENUE
NOTICE OF RECODIFICATION

- SUBPART C: MOTOR FUEL USE TAX
- 500.301 Special Motor Fuel Permits and Decals
- 500.302 Motor Carrier's Quarterly Report

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING
AND PAYING

- 500.400 Timely Mailing Treated as Timely Filing and Paying--
Meaning of Due Date Which Falls on Saturday, Sunday or
a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL
LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL
TAX LAW

- 500.500 Licenses Are Not Transferable
- 500.501 Blenders' Permits Are Not Transferable
- 500.505 Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS'
OCCUPATION TAX

- 500.600 Incorporation of the Retailers' Occupation Tax Regulations
by Reference

6) Conversion Table of Present and Recodified Parts:

Present Part	Recodified Part
500.101	500.200
500.102	500.101
500.103	500.202
500.105	500.203
500.110	500.204
500.115	500.205
500.120	500.500
500.125	500.505
500.130	500.501
500.135	500.220
500.140	500.225
500.145	500.295
500.155	500.230
500.160	500.235
500.165	500.102
500.170	500.240

DEPARTMENT OF REVENUE
NOTICE OF RECODIFICATION

500.175
500.180
500.185
500.190
500.195
500.200
500.201
500.205
500.210
500.215
500.220
500.225
500.230
500.235

500.301
500.245
500.250
500.255
500.260
500.265
500.270
500.275
500.280
500.285
500.302
500.290
500.400
500.600

ILLINOIS ATTORNEY GENERAL
NOTICE OF PUBLIC INFORMATION

Proposed Consent Decree pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Illinois Environmental Protection Act; Amoco chemical/Joliet Landfill.

AGENCY: Illinois Attorney General and the Illinois Environmental Protection Agency.

ACTION: Amended Notice; request for public comment.

SUMMARY: The Illinois Attorney General at the request of the Illinois Environmental Protection Agency (IEPA) is proposing to enter a cost recovery and remedial investigation/feasibility study consent decree which was lodged in the United States District Court for the Northern District of Illinois, Eastern Division. This proposed consent decree is intended to resolve the liability of a party for the conduct and costs of a Remedial Investigation and Feasibility Study (RI/FS) at Amoco Chemical (Joliet Landfill). Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), requires that notice of proposed settlements be made public. This notice seeks to elicit public comments to the Amoco Chemical consent decree.

DATE: Comments must be received on or before April 4, 1994.

ADDRESS: Comments should be addressed to RoseMarie Cazeau, Assistant Attorney General, Environmental Control Division, Illinois Attorney General's Office, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601, and should refer to the Amoco Chemical site in Joliet, Illinois.

SUPPLEMENTAL INFORMATION:

The settlement resolves a complaint which was filed in U.S. District Court on February 10, 1994, for violations of the Illinois Environmental Protection Act (Act) and claims arising from Section 107 of CERCLA and Section 22.2 of the Act. The consent decree requires Amoco Chemical to conduct and pay the costs of a RI/FS that is to be conducted on the site.

ILLINOIS ATTORNEY GENERAL

NOTICE OF PUBLIC INFORMATION

The State of Illinois may withdraw its consent if comments received disclose facts which indicate that the consent decree is inappropriate, improper or inadequate. For thirty (30) days following the date of publication of the notice, the Illinois Attorney General will receive written comments relating to the consent decree.

A copy of the proposed consent decree may be obtained from the Illinois Attorney General's Office. A copy of the proposed consent decree can be found at the Clerk's Office, City of Joliet, City Hall, 150 West Jefferson, Joliet, Illinois 60431 and the Federal Court House, 219 South Dearborn Street, Chicago, Illinois 60604.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302. Subpart F, the following water quality criteria have been derived as follows: This listing includes only the water quality criteria that have been used during the period November 1, 1993 through January 31, 1994.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. A listing of criteria used during the subsequent three month period was published in 18 Ill. Reg 318, January 7, 1994.

Chemical: Acenaphthene Acute criterion: 124 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #83-32-9 Chronic criterion: 9.9 ug/l
Chemical: Acetone Acute criterion: 1,530 mg/l Date criteria derived: May 25, 1993 Applicable waterbodies: Not used during this period.	CAS #67-64-1 Chronic criterion: 122 mg/l
Chemical: Acetonitrile Acute criterion: 375 mg/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.	CAS #75-05-8 Chronic criterion: 30 mg/l
Chemical: Acrylonitrile Acute criterion: 910 ug/l Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.	CAS #107-13-4 Chronic criterion: 73 ug/l
Chemical: Anthracene Human health criterion (HNC): 35 mg/l Date criteria derived: August 18, 1993 Applicable waterbodies: Not used during this period.	CAS #120-12-7
Chemical: Benzene Acute criterion: 5,700 ug/l Human health criterion (HNC): 21 ug/l Date criteria derived: August 15, 1990 Applicable waterbodies: Not used during this period.	CAS #71-43-2 Chronic criterion: 416 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Benzo(a)anthracene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #56-55-3
Chemical: Benzo(a)pyrene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #50-32-8
Chemical: Benzo(b)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS # 205-99-2
Chemical: Benzo(k)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #207-08-9
Chemical: Carbon tetrachloride Acute criterion: 3,500 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.	CAS #56-23-5 Chronic criterion: 280 ug/l
Chemical: Chlorobenzene Acute criterion: 993 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	CAS #108-90-7 Chronic criterion: 79 ug/l
Chemical: Chloroform Acute criterion: 1,870 ug/l Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #67-66-3 Chronic criterion: 150 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Chrysene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #218-01-9
Chemical: 1,2-dichlorobenzene Acute criterion: 210 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #95-50-1 Chronic criterion: 16.8 ug/l
Chemical: 1,3-dichlorobenzene Acute criterion: 500 ug/l Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	CAS #541-73-1 Chronic criterion: 196 ug/l
Chemical: 1,2-dichloroethane Acute criterion: 24,900 ug/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.	CAS #107-06-2 Chronic criterion: 4,540 ug/l
Chemical: 1,1-dichloroethylene Acute criterion: 3,030 ug/l Human health criterion (HNC): 0.95 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies: Not used during this period.	CAS #75-35-4 Chronic criterion: 242 ug/l
Chemical: 2,4-dichlorophenol Acute criterion: 631 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #120-83-2 Chronic criterion: 83.1 ug/l
Chemical: 1,2-dichloropropane Acute criterion: 4,800 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.	CAS #78-87-5 Chronic criterion: 380 ug/l

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,3-dichloropropylene Acute criterion: 99 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.	CAS #542-75-6 Chronic criterion: 7.9 ug/l
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol Acute criterion: 28.8 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #534-52-1 Chronic criterion: 2.3 ug/l
Chemical: 2,4-dinitrophenol Acute criterion: 85.3 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #51-28-5 Chronic criterion: 4.07 ug/l
Chemical: 2,6-dinitrotoluene Acute criterion: 1,910 ug/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	CAS #606-20-2 Chronic criterion: 153 ug/l
Chemical: Ethylbenzene Acute criterion: 216 ug/l Date criteria derived: August 15, 1990, revised May 17, 1991 Applicable waterbodies: 07120006-001/off Bangs Lake 07120004-018/off sewer to East Branch DuPage River 07120003-005/off Stony Creek 07090005-016/off Kent Creek	CAS #100-41-4 Chronic criterion: 17.2 ug/l
Chemical: Fluoranthene Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #206-44-0
Chemical: Hexachlorobenzene Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #118-74-1

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hexachlorobutadiene Acute criterion: 34.5 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #87-68-3 Chronic criterion: 2.76 ug/l
Chemical: Hexachloroethane Acute criterion: 381 ug/l Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #67-72-1 Chronic criterion: 30.5 ug/l
Chemical: Isobutyl alcohol = 2-methyl-1-propanol Acute criterion: 434 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #78-83-1 Chronic criterion: 34.8 mg/l
Chemical: Methylene chloride Acute criterion: 17,200 ug/l Human health criterion (HNC): 340 ug/l Date criteria derived: January 21, 1992 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1,380 ug/l
Chemical: Methyl ethyl ketone Acute criterion: 322,000 ug/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.	CAS #78-93-3 Chronic criterion: 26,000 ug/l
Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #108-10-1 Chronic criterion: 3.68 mg/l
Chemical: Naphthalene Acute criterion: 670 ug/l Date criteria derived: November 7, 1991 Applicable waterbodies: Not used during this period.	CAS #91-20-3 Chronic criterion: 68 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Nitrobenzene Acute criterion: 15.4 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	CAS #98-95-3 Chronic criterion: 4.67 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Pyrene Human health criterion (HTC): 3,500 ug/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Tetrachloroethylene Acute criterion: 1,220 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 152 ug/l
Chemical: Tetrahydrofuran Acute criterion: 216,000 ug/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17,300 ug/l
Chemical: Toluene Acute criterion: 8,080 ug/l Date criteria derived: August 16, 1990, revised May 17, 1991 and January 26, 1993 Applicable waterbodies: 07120006-001/off Bangs Lake 07120004-018/off sewer to E. Branch DuPage River 07120003-005/off Stony Creek 07090005-016/off Kent Creek	CAS #108-88-3 Chronic criterion: 646 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,2,4-trichlorobenzene Acute criterion: 353 ug/l Date criteria derived: December 14, 1993 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 69.2 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,910 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 393 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19,000 ug/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 3,540 ug/l
Chemical: Trichloroethylene Acute criterion: 11,700 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: Not used during this period.	CAS #79-01-6 Chronic criterion: 940 ug/l
Chemical: Xylenes Acute criterion: 1,500 ug/l Date criteria derived: August 23, 1990 Applicable waterbodies: 07120006-001/off Bangs Lake 07120004-018/off Sewer to E. Branch DuPage River 07120003-005/off Stony Creek 07090005-016/off Kent Creek	CAS # 1330-20-7 Chronic criterion: 117 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

DEPARTMENT OF INSURANCE

NOTICE OF PUBLIC INFORMATION

1) Heading of the Part: Long-Term Care Partnership Insurance2) Code Citation: 50 Ill. Adm. 20183) Sections Involved:

2018.10	2018.70	2018.130	2018.200
2018.20	2018.80	2018.140	2018.210
2018.30	2018.90	2018.150	2018.220
2018.40	2018.100	2018.160	2018.230
2018.50	2018.110	2018.170	2018.Exhibit A
2018.60	2018.120	2018.180	2018.Exhibit B

4) Register Citation to Notice of Proposed Rules:

18 Ill. Reg. 3919

5) Other Pertinent Information:

The Partnership for Long-Term Care Act, (320 ILCS 35/1 et seq.) created a partnership between the Department of Insurance, the Department on Aging, the Department of Rehabilitation Services and the Department of Public Aid. This partnership was created to establish standards for a private-public long-term care insurance partnership program. The program allows individuals who purchase private long-term care insurance and who sustain extended episodes of chronic illnesses, that have exhausted all the benefits of their private insurance, to be eligible for continued care by in-home supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.

Since the Department of Insurance has the authority to approve or disapprove all life/accident and health policy forms or certificates pursuant to Section 143(1) of the Illinois Insurance Code (215 ILCS 5/143(1)) the policy itself is what drives the partnership program. This is why the Department has initiated separate regulatory action for this specific type of coverage.

Please refer to the following agency rules or amendments contained within this Illinois Register for additional standards regarding Long Term Care Partnership Insurance and Demonstration Pilot Programs:

a) Department on Aging:

DEPARTMENT OF INSURANCE

NOTICE OF PUBLIC INFORMATION

89 Ill. Adm. Code 260, 18 Ill. Reg. 3802

b) Department of Rehabilitation Services:

89 Ill. Adm. Code 688, 18 Ill. Reg. 4093

c) Department of Public Aid:

89 Ill. Adm. Code 120, 18 Ill. Reg. 4063

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Department of Nuclear Safety

Heading of the Part: FEES FOR RADIOACTIVE MATERIAL LICENSES

Code Citation: 32 Ill. Adm. Code 331

Sections Involved:

331.10	331.120
331.20	331.130
331.30	331.200
331.110	Appendix B
	Appendix D

Notice of Proposal Published in Illinois Register: March 4, 1994
18 Ill Reg 3045

Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the propose rule, on request as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING

ROOM D-1
SPRINGFIELD, ILLINOIS

10:00 A.M.

MARCH 22, 1994

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

AGENDA**I. Approval of February 15, 1994 Minutes****II. Review of Proposed Agency Rulemaking**Children and Family Services

1. Reports of Child Abuse and Neglect (89 Ill Adm Code 300)
 - First Notice Published: 17 Ill Reg 18271 - 10/22/93
 - Expiration of Second Notice Period: 3/24/94
2. Relative Home Placement (89 Ill Adm Code 335)
 - First Notice Published: 17 Ill Reg 6681 - 5/7/93
 - Expiration of Second Notice Period: 3/24/94

Commerce and Community Affairs

3. Industrial Training Program (56 Ill Adm Code 2650)
 - First Notice Published: 17 Ill Reg 20063 - 11/29/93
 - Expiration of Second Notice Period: 3/22/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDACommerce Commission

4. Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service (83 Ill Adm Code 280)
 - First Notice Published: 17 Ill Reg 6382 - 4/23/93
 - Expiration of Second Notice Period: 3/30/94
5. Procedures Governing the Establishment of Credit, Billing, Termination of Service and Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (G.O. #218) (83 Ill Adm Code 735)
 - First Notice Published: 17 Ill Reg 6386 - 4/23/93
 - Expiration of Second Notice Period: 3/30/94
6. Interconnection (83 Ill Adm Code 790)
 - First Notice Published: 17 Ill Reg 19354 - 11/12/93
 - Expiration of Second Notice Period: 4/1/94

Community Development Finance Corporation

7. By-Laws (47 Ill Adm Code 700)
 - First Notice Published: 17 Ill Reg 4530 - 4/9/93
 - Expiration of Second Notice Period: 4/17/94

Conservation

8. White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (17 Ill Adm Code 660)
 - First Notice Published: 17 Ill Reg 21952 - 12/27/93
 - Expiration of Second Notice Period: 4/7/94
9. White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)
 - First Notice Published: 17 Ill Reg 21927 - 12/27/93
 - Expiration of Second Notice Period: 4/7/94
10. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)
 - First Notice Published: 17 Ill Reg 21907 - 12/27/93
 - Expiration of Second Notice Period: 4/7/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

11. Commercial Fishing in Lake Michigan (17 Ill Adm Code 850)
 - First Notice Published: 17 Ill Reg 22123 - 12/31/93
 - Expiration of Second Notice Period: 4/10/94
12. Possession of Specimens or Products of Endangered or Threatened Species (17 Ill Adm Code 1070)
 - First Notice Published: 18 Ill Reg 1 - 1/7/94
 - Expiration of Second Notice Period: 4/17/94
- Emergency Management Agency
13. Repeal of Local Emergency Services and Disaster Agencies: Establishment, Jurisdiction and Accreditation (29 Ill Adm Code 300)
 - First Notice Published: 17 Ill Reg 13865 - 8/27/93
 - Expiration of Second Notice Period: 4/8/94
14. Repeal of Workers' Compensation Coverage (29 Ill Adm Code 510)
 - First Notice Published: 17 Ill Reg 13875 - 8/27/93
 - Expiration of Second Notice Period: 4/8/94
15. Emergency Management Assistance Program (29 Ill Adm Code 1310)
 - First Notice Published: 17 Ill Reg 13843 - 8/27/93
 - Expiration of Second Notice Period: 4/8/94

Insurance

16. Prior Notification of Transactions (50 Ill Adm Code 854)
 - First Notice Published: 17 Ill Reg 21143 - 12/10/93
 - Expiration of Second Notice Period: 4/15/94
17. Prior Notification of Dividends on Common Stock and Other Distributions (50 Ill Adm Code 855)
 - First Notice Published: 17 Ill Reg 21264 - 12/17/93
 - Expiration of Second Notice Period: 4/10/94

Nuclear Safety

18. Use of Radionuclides in the Healing Arts (32 Ill Adm Code 335)
 - First Notice Published: 17 Ill Reg 20122 - 11/29/93
 - Expiration of Second Notice Period: 4/7/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

19. Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill Adm Code 350)
-First Notice Published: 17 Ill Reg 13882 - 8/27/93
-Expiration of Second Notice Period: 4/7/94

Pollution Control Board

20. Major Stationary Sources Construction and Modification (35 Ill Adm Code 203)
-First Notice Published: 17 Ill Reg 18754 - 10/29/93
-Expiration of Second Notice Period: 4/8/94

Professional Regulation

21. Illinois Professional Land Surveyor Act of 1989 (68 Ill Adm Code 1270)
-First Notice Published: 17 Ill Reg 14550 - 9/10/93
-Expiration of Second Notice Period: 4/8/94

Public Aid

22. Aid to Families with Dependent Children (89 Ill Adm Code 112)
-First Notice Published: 17 Ill Reg 19436 - 11/12/93
-Expiration of Second Notice Period: 3/30/94

23. Medical Assistance Programs (89 Ill Adm Code 120)

-First Notice Published: 17 Ill Reg 21266 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

24. Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 17 Ill Reg 18768 - 10/29/93
-Expiration of Second Notice Period: 4/1/94

Public Health

25. Regional Ambulance Services Code (77 Ill Adm Code 547)
-First Notice Published: 18 Ill Reg 95 - 1/7/94
-Expiration of Second Notice Period: 4/17/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

Secretary of State

26. The Illinois Library Systems Act (23 Ill Adm Code 3030)
-First Notice Published: 17 Ill Reg 19072 - 11/5/93
-Expiration of Second Notice Period: 3/30/94

Teachers' Retirement System

27. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)
-First Notice Published: 17 Ill Reg 22487 - 12/31/93
-Expiration of Second Notice Period: 4/15/94

Transportation

28. Procedures (92 Ill Adm Code 107)
-First Notice Published: 17 Ill Reg 21333 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

29. General Information, Regulations and Definitions (92 Ill Adm Code 171)
-First Notice Published: 17 Ill Reg 21314 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

30. Hazardous Materials Table and Hazardous Materials Communications (92 Ill Adm Code 172)

-First Notice Published: 17 Ill Reg 21326 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

31. Shippers General Requirements for Shipments and Packagings (92 Ill Adm Code 173)

-First Notice Published: 17 Ill Reg 21345 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

32. Carriage by Public Highway (92 Ill Adm Code 177)
-First Notice Published: 17 Ill Reg 21305 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

33. Specifications for Packagings (92 Ill Adm Code 178)
-First Notice Published: 17 Ill Reg 21351 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

34. Specifications for Tank Cars (92 Ill Adm Code 179)
-First Notice Published: 17 Ill Reg 21362 - 12/17/93
-Expiration of Second Notice Period: 3/30/94
35. Continuing Qualification and Maintenance of Packaging (92 Ill Adm Code 180)
-First Notice Published: 17 Ill Reg 21310 - 12/17/93
-Expiration of Second Notice Period: 3/30/94

III. Certification of No Objection to Proposed Rulemaking**IV. Review of Emergency and Peremptory Rulemakings**Attorney General

36. Franchise Disclosure Act (14 Ill Adm Code 200) (Peremptory)
-Notice Published: 18 Ill Reg 2522 - 2/14/94

Conservation

37. The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710) (Emergency)
-Notice Published: 18 Ill Reg 3751 - 3/11/94

Employment Security

38. Notices, Records, Reports (56 Ill Adm Code 2760) (Emergency)
-Notice Published: 18 Ill Reg 2631 - 2/18/94

Housing Development Authority

39. Affordable Housing Program (47 Ill Adm Code 360) (Emergency)
-Notice Published: 18 Ill Reg 2124 - 2/4/94

40. Affordable Housing Bond Program (47 Ill Adm Code 365) (Emergency)
-Notice Published: 18 Ill Reg 1596 - 1/28/94

Professional Regulation

41. Estate Appraiser Certification (68 Ill Adm Code 1455) (Emergency)
-Notice Published: 18 Ill Reg 3006 - 2/25/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDAPublic Aid

42. Food Stamps (89 Ill Adm Code 121) (Emergency)
-Notice Published: 18 Ill Reg 2509 - 2/14/94

Public Health

43. Repeal of Illinois Formulary for the Drug Product Selection Program (77 Ill Adm Code 790) (Emergency)
-Notice Published: 18 Ill Reg 3755 - 3/11/94

44. Illinois Formulary for the Drug Product Selection Program (77 Ill Adm Code 790) (Emergency)
-Notice Published: 18 Ill Reg 3778 - 3/11/94

VI. Expedited CorrectionsPollution Control Board

45. Procedural Requirements for Permitted Landfills (35 Ill Adm Code 813)
46. Standards for New Solid Waste Landfills (35 Ill Adm Code 811)

VI. Agency ResponsesPublic Health

47. Certified Local Health Department Code (77 Ill Adm Code 600)
-First Published: 9/17/93
Recommendation Date: 12/14/93
Response: No Response
48. Local Health Department Grant Rules (77 Ill Adm Code 610)
-First Published: 9/17/93
Recommendation Date: 12/14/93
Response: No Response

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 2, 1994 through March 8, 1994, and have been scheduled for review by the Committee at its March 22, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/15/94	Department of Insurance, Prior Notification of Transactions (50 Ill Adm Code 854)	12/10/93 17 Ill Reg 21143	3/22/94
4/15/94	Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	12/31/93 17 Ill Reg 22487	3/22/94
4/17/94	Department of Public Health, Regional Ambulance Services Code (77 Ill Adm Code 547)	1/7/94 18 Ill Reg 95	3/22/94
4/17/94	Department of Conservation, Possession of Specimens or Products of Endangered or Threatened Species (17 Ill Adm Code 1070)	1/7/94 18 Ill Reg 1	3/22/94
4/17/94	Illinois Community Development Finance Corporation, By-Laws (47 Ill Adm Code 700)	4/9/93 17 Ill Reg 4530	3/22/94

PROCLAMATION

94-062
APPRENTICESHIP WEEK

Whereas, apprenticeship training is a key component of developing skilled workers in various trades and crafts. It is part of a continuing program initiated by the government in 1937 and supported by industry and labor; and

Whereas, these supporters make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and

Whereas, the Biannual Illinois State Apprenticeship Conference will be held March 30-April 1 to promote the exchange of information and ideas to all crafts and trades;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 27-April 2, 1994, as APPRENTICESHIP WEEK in Illinois in recognition of our continuing need for qualified journeymen who provide excellent craftsmanship.

Issued by the Governor February 24, 1994.

Filed with the Secretary of State March 4, 1994.

94-063
BUILDING SAFETY WEEK

Whereas, the well-being of every citizen of Illinois depends on the safety of the building in which they live, work, and play; and

Whereas, code compliance in these buildings is the joint responsibility of building owners, building operators, architects, engineers, contractors, and building officials; and

Whereas, the general public should recognize the importance of building-safety codes, which protect the public's health and safety by regulating the structural, electrical, plumbing, mechanical, fire-safety, energy efficiency, accessibility, and other aspects of both new and existing buildings; and

Whereas, units of state and local government throughout the United States are joining together in expressing appreciation to the conscientious members of the building industry who ensure the safety of buildings throughout our state and the nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 10-16, 1994, as BUILDING SAFETY WEEK in Illinois. I urge our citizens to take heed of the theme "Building Safety Is NO Accident" and to recognize the importance of modern building-safety codes.

Issued by the Governor February 24, 1994.

Filed with the Secretary of State March 4, 1994.

94-064

GREEK INDEPENDENCE DAY

Whereas, the Greek American community in Illinois and throughout the nation has contributed greatly to the rich ethnic blend of culture we enjoy; and

Whereas, the importance of democratic values, strong cultural ties, and respect for human rights have long tied our two nations together; and

Whereas, the Founding Fathers of our country looked to Greek writings on democracy and the good society when forging the new nation, and many of our government buildings have been inspired by Greek architecture; and

Whereas, the American Hellenic Educational Progressive Association (AHEPA) of the 13th District is made up of more than 60 chapters promoting instruction and loyalty in the principles of our American constitutional government, as well as the use and fluency in the English and Greek languages; and

Whereas, for more than seven decades, AHEPA has given Greek-Americans the opportunity to combine their rich heritage with the promotion of the American Dream of Freedom and Democracy for all; and

Whereas, AHEPA will sponsor a Congressional Banquet on March 28, 1994, in celebration of Greek Independence Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 25, 1994, as GREEK INDEPENDENCE DAY in Illinois.

Issued by the Governor February 24, 1994.

Filed with the Secretary of State March 4, 1994.

94-065

MALCOLM X COLLEGE CAREER EXPO DAY

Whereas, Malcolm X College, one of the City Colleges of Chicago, serves a culturally rich and diverse community and is dedicated to "empowerment through education;" and

Whereas, Malcolm X College offers innovative and progressive programs in radiology, nursing, dietetic technology, nephrology/renal technology, medical laboratory technology, cardiopulmonary therapy, pharmacology, physician assistant training, emergency medical technology/paramedical training, mortuary science/pathology assistant training, radiation therapy, surgical technician, child development, business, secretarial sciences, liberal arts, adult learning skills, and adult continuing education; and

Whereas, Malcolm X College's Fifth Annual Career Expo and Health Fair will be held Wednesday, March 23, 1994, and is expected to draw more than 2,000 students and community residents and more than 100 health facilities, corporations, government

agencies, nonprofit organizations, and universities; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 23, 1994, as MALCOLM X COLLEGE CAREER EXPO DAY in Illinois.

Issued by the Governor February 24, 1994.

Filed with the Secretary of State March 4, 1994.

94-066

PROFESSIONAL SOCIAL WORKERS MONTH

Whereas, professional social workers labor on the front lines of human service delivery to help families and individuals develop skills to lead productive and satisfying lives; and

Whereas, professional social workers experience firsthand the challenges families and individuals face each day while meeting their responsibilities; and

Whereas, professional social workers recognize that any violent environment, be it physical, emotional, psychological abuse, or sanctioned discrimination, weakens the basic right of every individual to live with dignity; and

Whereas, professional social workers know that pervasive violence, whether perpetrated by individuals or fostered by institutions, causes physical, emotional and/or psychological suffering, and impedes individual growth and development; and

Whereas, the social work profession works concurrently to help victims of violence and eradicate the causes of violence through community, institutional, and public policy initiatives;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1994 as PROFESSIONAL SOCIAL WORKERS MONTH in Illinois.

Issued by the Governor February 24, 1994.

Filed with the Secretary of State March 4, 1994.

94-067

CASIMIR PULASKI DAY

Whereas, Polish war hero Casimir Pulaski fought and died valiantly, helping colonial America win its battle for independence during the Revolutionary War; and

Whereas, born in Warka, Poland, on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism, and determination of Polish and Slavic Americans who have worked and fought to help make the United States the great country it is; and

Whereas, in as much as this individual was willing to make the supreme sacrifice through his death in battle while defending our nation, it is fitting that we, in Illinois, set aside the first Monday of each March to honor him as early Illinois

settlers did by the naming of Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois after this great man; and Whereas, the Polish American community of Illinois has contributed greatly to the rich ethnic diversity of the state in the areas of education, arts and sciences, agriculture, government, architecture, music and sports; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1, 1994, as CASIMIR PULASKI DAY in Illinois. Issued by the Governor February 25, 1994. Filed with the Secretary of State March 4, 1994.

94-068
ALCOHOL AWARENESS MONTH

Whereas, alcohol is the number one abused substance among young people of Illinois; and Whereas, although alcohol is illegal for individuals under 21 to purchase or possess, 70 percent have consumed alcohol by the eighth grade; and Whereas, alcohol plays a part in 30 percent of the auto fatalities involving 16- to 24-year-olds, despite the fact that this group comprises only 15 percent of licensed Illinois drivers; and Whereas, alcohol is a problem for one in every five 14- to 17-year-olds and the abuse of alcohol costs the nation an estimated \$99 billion each year; and Whereas, alcohol is responsible for a least 100,000 American deaths yearly; and Whereas, communities throughout Illinois will conduct local Youth Forums to answer the question, "Is alcohol affecting the quality of life of our young people?"; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as ALCOHOL AWARENESS MONTH/ILLINOIS STATE YOUTH FORUM DAY in Illinois, and urge all citizens to support the Forum to help eliminate the underage drinking. Issued by the Governor February 28, 1994. Filed with the Secretary of State March 4, 1994.

94-069
CERTIFIED NURSE ASSISTANT DAY

Whereas, certified nurse assistants (CNAs) working in long-term care facilities provide compassionate and concerned care for residents and their families; and Whereas, CNAs provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and Whereas, CNA have improved the quality of life for tens of

thousands of frail and elderly Illinois citizens; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 2, 1994, as CERTIFIED NURSE ASSISTANT DAY in Illinois in recognition of the state's 180,000 certified nurse assistants.

Issued by the Governor March 1, 1994.
Filed with the Secretary of State March 4, 1994.

94-070
CURTIS MAYFIELD DAY

Whereas, Curtis Mayfield was born, raised, created most of his music, performed for many years as the lead singer, songwriter, and producer of the famed recording group known as the "Impressions" in the great city of Chicago; and Whereas, in addition, Curtis Mayfield was a partner of the famed Chicago-based record company Curtom Records, which produced the original musical soundtracks for the movies "Superfly", "Claudine", "Let's Do It Again", "A Piece of the Action", "Sparkle", and "Short Eyes"; and Whereas, Curtis wrote such great hits as "Gypsy Woman", "I'm So Proud", "People Get Ready", "Superfly" "A We're A Winner", "It's All Right", "Keep On Pushing", and "This Is My Country"; and

Whereas, Curtis has addressed topics such as racism and social injustice in upbeat compositions that have redefined soul and dance music while selling millions of records; and Whereas, Curtis Mayfield's musical talent and contributions are important to the history and culture of Illinois; do proclaim March 2, 1994, as CURTIS MAYFIELD DAY in Illinois. Issued by the Governor March 1, 1994.

Filed with the Secretary of State March 4, 1994.

94-071
LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to everyone; and Whereas, the role of the licensed practical nurses in caring for people's health needs has advanced in responsibility and complexity; and Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and Whereas, the License Practical Nurse Association of Illinois is holding its annual convention April 25-28 in Champaign;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25-29, 1994, as LICENSED PRACTICAL NURSE WEEK in Illinois in recognition of these dedicated men and women.

Issued by the Governor March 1, 1994.

Filed with the Secretary of State March 4, 1994.

94-072

LONG-TERM CARE NURSES WEEK

Whereas, long-term care nurses in the State of Illinois have committed themselves to providing the highest quality of care to the young, old, and disabled individuals of our state; and

Whereas, long-term care nurses are faced with ever-increasing medical demands to rehabilitate and provide the best possible quality of life for their patients; and

Whereas, more than 1,000 licensed long-term care and extended care facilities continue to rely on long-term care nurses for support and leadership; and

Whereas, the Illinois Health Care Association, representing more than 400 of our state's long-term care providers, along with the Extended Care Nurses Association has declared May 6-12, 1994, as Illinois' Long-Term Care Nurses Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6-12, 1994, as LONG-TERM CARE NURSES WEEK in Illinois in recognition of the continued dedication these nurses provide to quality-long-term care.

Issued by the Governor March 1, 1994.

Filed with the Secretary of State March 4, 1994.

94-073

VOLUNTEER WEEK

Whereas, our nation was built upon a spirit of volunteerism, and the talents and energies of American volunteers continue to be one of our greatest resources; and

Whereas, America cannot depend on government alone to solve all of its societal problems; and

Whereas, volunteerism is increasingly recognized as an important partner with government and industry in doing the work of the nation; and

Whereas, the active involvement of citizens in Illinois is needed today more than ever to combat growing human and social problems, to renew our belief that these problems can be solved, and to strengthen our sense of community; and

Whereas, volunteering offers all citizens -- young and old -- the opportunity to participate in the life of their community and lend their talents and resources to address some of the major

issues facing our state; and

Whereas, it is fitting for all citizens to join in this celebration of our rich volunteer heritage and give special recognition to the dedicated volunteers and volunteer programs that contribute immeasurably to communities throughout Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 17-23, 1994, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 1, 1994.

Filed with the Secretary of State March 4, 1994.

94-074

YOUTH ART MONTH

"To have an appreciation of art is to have immeasurable wealth." -- Otto H. Kahn

Whereas, the arts serve an important role in the educational development of our youth; and

Whereas, during the month of March, the Illinois Art Education Association will be sponsoring special events and exhibits in conjunction with a nationwide effort to highlight the accomplishments of art teachers and their students; and

Whereas, community organizations are encouraged to take advantage of this opportunity to emphasize the enjoyment that can be derived through the creation and appreciation of art;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1994 as YOUTH ART MONTH in Illinois.

Issued by the Governor March 1, 1994.

Filed with the Secretary of State March 4, 1994.

94-075

PARENTS' INSERVICE CONFERENCE DAYS

Whereas, the Region V 18th Annual Inservice Conference of the National Coalition of the Title I/Chapter I Parents will be held in Chicago on March 23-27, 1994, at the Westin Hotel; and

Whereas, the National Coalition was organized in 1973 by a group of 50 parents concerned about and committed to achieving total community participation in the development of educational programs and agendas for disadvantaged children; and

Whereas, the conference theme is "Taking a Bold Step and Going to the Edge for Chapter I"; and

Whereas, the conference has been designed to join parents, teachers, federal and local program administrators, educators, and the community in a combined effort to seek new ways to strengthen educational programs for children facing educational disadvantages;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 23-27, 1994, as PARENTS INSERVICE CONFERENCE DAYS in Illinois.

Issued by the Governor March 2, 1994.
Filed with the Secretary of State March 4, 1994.

94-076

BOB LEININGER DAY

Whereas, C. Robert Leininger was born and reared on a Central Illinois farm and was introduced to the Illinois public school system through Elkhart elementary and secondary schools; and

Whereas, over the past 34 years, Bob Leininger has served Illinois' educational system in positions ranging from teacher and principal to school district superintendent and State Superintendent of Education; and

Whereas, throughout his career, he has aggressively sought to improve the quality of education for Illinois students through his commitment, leadership, and his ability to act as an advocate for children's educational needs by building partnerships between government, business, civic leaders and parents; and

Whereas, Bob's high standards, his persistence, genuine concern for our children's educational needs and his personal style liken him to a "grandfatherly steamroller"; and

Whereas, his professional accomplishments and contributions to education have gleaned recognition at both the state and national levels, earning him such honors as the outstanding Service Award from the National Rural Education Association, Outstanding Education Alum by the University of Illinois, and recognition awards from many other education organizations; and

Whereas, since his appointment in August 1989 as the fourth State Superintendent of Education, Bob has set a high standard of performance and achievement that will be a challenge to continue; Therefore, I, Jim Edgar, Governor of the State of Illinois, do proclaim March 5, 1994, as BOB LEININGER DAY in Illinois in appreciation of his dedication and commitment to excellence in education.

Issued by the Governor March 3, 1994.

Filed with the Secretary of State March 4, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240
89 Ill. Adm. Code 260

Community Care Program (P-14225/93; A-609)
Long-Term Care Insurance Partnership Demonstration Program (P-3802)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110
8 Ill. Adm. Code 75
8 Ill. Adm. Code 257
8 Ill. Adm. Code 20
8 Ill. Adm. Code 85
8 Ill. Adm. Code 116
68 Ill. Adm. Code 590
8 Ill. Adm. Code 270

Animal Diagnostic Act (P-14717; A-1825)
Bovine Brucellosis (P-14728/93; A-1833)
Cooperative Groundwater Protection Program (P-14288/93; A-205)
Definitions (P-14793; A-1844)
Diseased Animals (P-14747/93; A-1850)
Equine Infectious Anemia Control (P-14761/93; A-1851)
Feeder Swine Dealer Licensing (P-14765/93; A-1865)
Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164)
Livestock Auction Markets (P-14769/93; A-1869)

8 Ill. Adm. Code 40
68 Ill. Adm. Code 610
8 Ill. Adm. Code 125
8 Ill. Adm. Code 105
8 Ill. Adm. Code 600

Livestock Dealer Licensing (P-14775/93; A-1875)
Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809)
Swine Disease Control & Eradication Act (P-14781/93; A-1880)
Weights and Measures Act (E-4426)

ATTORNEY GENERAL

14 Ill. Adm. Code 200

Franchise Disclosure Act (PP-2522)

ILLINOIS REGISTER			ILLINOIS REGISTER		
Vol. 18, Issue #11		CUMULATIVE INDEX	Vol. 18, Issue #11		CUMULATIVE INDEX
March 18, 1994			March 18, 1994		
BOARD OF HIGHER EDUCATION			COMPTROLLER, OFFICE OF THE		
23 Ill. Adm. Code 1020	Health Services Education Grant (P-17639/93; A-4174)		Transfers Between Accounts Within a Fund Held by State Treasurer (P-1664) (E-2119)		
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF			CONSERVATION, DEPARTMENT OF		
44 Ill. Adm. Code 5000	Acquisition, Management & Disposal of Real Property (P-A-1886)		17 Ill. Adm. Code 130	Camping on Department of Conservation Properties (P-18721/93; A-1126)	
80 Ill. Adm. Code 302	Merit & Fitness (P-14788/93; A-1892)		17 Ill. Adm. Code 2520	Consignment of Licenses (P-3821)	
80 Ill. Adm. Code 310	Pay Plan (P-13657/93; P-14314; A-227; A-1107)		17 Ill. Adm. Code 730	Dove Hunting Season (P-3830)	
80 Ill. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (A-3115)		17 Ill. Adm. Code 910	Field Trials on Department-Owned Managed Sites (P-3846)	
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF			17 Ill. Adm. Code 1010	III. List of Endangered & Threatened Fauna (P-16273/93; A-1134)	
89 Ill. Adm. Code 428	Department Advisory Council, III. Juvenile Commission & Other Statewide & Regional Committees (P-561)		17 Ill. Adm. Code 1050	III. List of Endangered & Threatened Flora (P-16285/93; A-1142)	
89 Ill. Adm. Code 406	Licensing Standards for Day Care Homes (P-2683)		17 Ill. Adm. Code 570	Muskkrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853)	
89 Ill. Adm. Code 408	Licensing Standards for Group Day Care Homes (P-2700)		17 Ill. Adm. Code 1070	Possession of Specimens or Products of Endangered or Threatened Species (P-1)	
CIVIL SERVICE SYSTEM, STATE UNIVERSITIES			17 Ill. Adm. Code 550	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (P-3868)	
80 Ill. Adm. Code 250	State Universities Civil Service System (P-18453/93; A-1901)		17 Ill. Adm. Code 4010	Register of Land & Water Reserves (P-578)	
COMMERCE COMMISSION, ILLINOIS			17 Ill. Adm. Code 810	Sport Fishing Regulations for the Waters of Illinois (P-19785/93; A-3277)	
92 Ill. Adm. Code 1376	Accounting & Financial Record Requirements (P-8630/93; A-1914)		17 Ill. Adm. Code 690	Squirrel Hunting (P-3193)	
83 Ill. Adm. Code 792	Imputation (P-11988/93; A-1919)		17 Ill. Adm. Code 710	Taking of Wild Turkeys-Spring Season, The (P-18927/93; A-1156) (E-3751)	
83 Ill. Adm. Code 590	Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)		17 Ill. Adm. Code 720	Taking of Wild Turkeys-Fall Archery Season, The (P-3884)	
83 Ill. Adm. Code 315	Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93; A-676; M-795)		17 Ill. Adm. Code 715	Taking of Wild Turkeys-Fall Gun Season, The (P-3895)	
83 Ill. Adm. Code 280	Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918)		17 Ill. Adm. Code 740	Woodcock, Snipe, Rail, and Teal Hunting (P-3986)	
83 Ill. Adm. Code 735	Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483; A-4146)		CORRECTIONS, DEPARTMENT OF		
92 Ill. Adm. Code 1236	Reinstatement of Revoked Operating Authority (P-8635/93; A-1924)		20 Ill. Adm. Code 420	Assignment of Committed Persons (P-19367/93; A-2929)	
83 Ill. Adm. Code 285	Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2723)		20 Ill. Adm. Code 460	Impact Incarceration Program (P-19371/93; A-2933)	
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(P-12005/93.A-2280)	n	107,305	(P-19377/93.A-2838)	n	2720.6	(P-1013)	am	
(P-12005/93.A-2280)	r	107,307	(P-19377/93.A-2838)	am	2720.10	(P-1013)	am	
(P-12005/93.A-2280)	r	107,308	(P-19377/93.A-2838)	am	2720.20	(P-1013)	am	
(P-12005/93.A-2280)	r	107,309	(P-19377/93.A-2838)	am	2720.30	(P-1013)	n	
(P-12005/93.A-2280)	r	107,405	(P-19377/93.A-2838)	am	2720.35	(P-1013)	n	
(P-12005/93.A-2280)	am	107,510	(P-19377/93.A-2838)	am	2720.41	(P-1013)	am	
(P-12005/93.A-2280)	am	107,506	(P-19377/93.A-2838)	n	2720.42	(P-1013)	am	
(P-12005/93.A-2280)	n	107,505	(P-19377/93.A-2838)	n	2720.50	(P-1013)	am	
(P-12005/93.A-2280)	n	107,510	(P-19377/93.A-2838)	n	2720.55	(P-1013)	n	
(P-12005/93.A-2280)	am	107,520	(P-19377/93.A-2838)	n	2720.70	(P-1013)	n	
(P-12005/93.A-2280)	am	107,530	(P-19377/93.A-2838)	n	2720.80	(P-1013)	am	
(P-12005/93.A-2280)	n	107,540	(P-19377/93.A-2838)	n	2720.90	(P-1013)	am	
(P-12005/93.A-2280)	n	107,550	(P-19377/93.A-2838)	n	2720.95	(P-1068)	am	
(P-12005/93.A-2280)	n	107,560	(P-19377/93.A-2838)	am	2730.20	(P-1068)	am	
(P-12005/93.A-2280)	n	405,111	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,112	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,113	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,114	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,115	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,116	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,117	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,118	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,119	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,120	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,121	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,122	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,123	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,124	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,125	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,126	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,127	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,128	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,129	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,130	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,131	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,132	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	
(P-12005/93.A-2280)	n	405,133	(P-19405/93.A-2870)	am	2731.20	(P-1064)	am	

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270.140	am	(P-3164)	405.80	am	(P-2838)	200.101	am	(P-2522)
270.145	am	(P-3164)	405.120	am	(P-2838)	546.10	am	(P-839)
270.150	am	(P-3164)	433.45	am	(P-137)	545.30	am	(P-839)
270.155	am	(P-3164)	438.10	r	(P-2841)	545.40	am	(P-839)
270.160	am	(P-3164)	438.20	r	(P-2841)	545.50	am	(P-839)
270.165	am	(P-3164)	438.30	r	(P-2841)	545.60	am	(P-839)
270.170	am	(P-3164)	438.40	r	(P-2841)	545.70	am	(P-839)
270.175	am	(P-3164)	438.50	r	(P-2841)			
270.180	am	(P-3164)	438.60	r	(P-2841)			
270.185	am	(P-3164)	438.70	r	(P-2841)			
270.190	am	(P-3164)	438.80	r	(P-2841)			
270.195	am	(P-3164)	438.90	r	(P-2841)			
270.200	am	(P-3164)	439.00	r	(P-2841)			
270.205	am	(P-3164)	439.10	r	(P-2841)			
270.210	n	(P-3164)	439.20	r	(P-2841)			
270.215	n	(P-3164)	439.30	r	(P-2841)			
270.220	am	(P-3164)	439.40	r	(P-2841)			
270.225	am	(P-3164)	439.50	r	(P-2841)			
270.230	am	(P-3164)	439.60	r	(P-2841)			
270.235	am	(P-3164)	439.70	r	(P-2841)			
270.240	am	(P-3164)	439.80	r	(P-2841)			
270.245	am	(P-3164)	439.110	r	(P-2841)	130.100	am	(P-18721/93.A-1128)
270.250	am	(P-3164)	438.110	r	(P-2841)	550.20	am	(P-3868)
270.255	am	(P-3164)	501.10	r	(P-130404.A-2089)	550.30	am	(P-3868)
270.260	am	(P-3164)	501.20	r	(P-130404.A-2089)	570.20	am	(P-3853)
270.265	am	(P-3164)	509.95	am	(P-2832)	570.30	am	(P-3853)
270.270	am	(P-3164)	509.95	am	(P-2832)	570.40	am	(P-3853)
270.275	am	(P-3164)	509.200	am	(P-2832)	570.50	am	(P-3853)
270.280	am	(P-3164)	509.220	r	(P-2832)	570.60	am	(P-3853)
270.285	am	(P-3164)	510.10	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.290	am	(P-3164)	510.20	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.295	am	(P-3164)	510.30	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.300	am	(P-3164)	510.100	am	(P-15790/93.A-2084)	570.10	am	(P-18721/93.A-1128)
270.305	am	(P-3164)	510.150	am	(P-15790/93.A-2084)	570.20	am	(P-18721/93.A-1128)
270.310	am	(P-3164)	510.170	am	(P-15790/93.A-2084)	570.30	am	(P-18721/93.A-1128)
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270.320	am	(P-3164)	510.190	am	(P-15790/93.A-2084)	570.50	am	(P-18721/93.A-1128)
270.325	am	(P-3164)	510.200	am	(P-15790/93.A-2084)	570.60	am	(P-18721/93.A-1128)
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270.335	am	(P-3164)	510.220	am	(P-15790/93.A-2084)	570.80	am	(P-18721/93.A-1128)
270.340	am	(P-3164)	510.230	am	(P-15790/93.A-2084)	570.90	am	(P-18721/93.A-1128)
270.345	am	(P-3164)	510.240	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.350	am	(P-3164)	510.250	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.355	am	(P-3164)	510.260	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.360	am	(P-3164)	510.270	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.365	am	(P-3164)	510.280	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.370	am	(P-3164)	510.290	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.375	am	(P-3164)	510.300	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.380	am	(P-3164)	510.310	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.385	am	(P-3164)	510.320	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.390	am	(P-3164)	510.330	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.395	am	(P-3164)	510.340	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.400	am	(P-3164)	510.350	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.405	am	(P-3164)	510.360	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.410	am	(P-3164)	510.370	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.415	am	(P-3164)	510.380	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.420	am	(P-3164)	510.390	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.425	am	(P-3164)	510.400	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.430	am	(P-3164)	510.410	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.435	am	(P-3164)	510.420	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.440	am	(P-3164)	510.430	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.445	am	(P-3164)	510.440	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.450	am	(P-3164)	510.450	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.455	am	(P-3164)	510.460	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.460	am	(P-3164)	510.470	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.465	am	(P-3164)	510.480	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.470	am	(P-3164)	510.490	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.475	am	(P-3164)	510.500	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.480	am	(P-3164)	510.510	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.485	am	(P-3164)	510.520	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.490	am	(P-3164)	510.530	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.495	am	(P-3164)	510.540	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.500	am	(P-3164)	510.550	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.505	am	(P-3164)	510.560	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.510	am	(P-3164)	510.570	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.515	am	(P-3164)	510.580	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.520	am	(P-3164)	510.590	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.525	am	(P-3164)	510.600	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.530	am	(P-3164)	510.610	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.535	am	(P-3164)	510.620	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.540	am	(P-3164)	510.630	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.545	am	(P-3164)	510.640	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.550	am	(P-3164)	510.650	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.555	am	(P-3164)	510.660	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.560	am	(P-3164)	510.670	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.565	am	(P-3164)	510.680	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.570	am	(P-3164)	510.690	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.575	am	(P-3164)	510.700	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.580	am	(P-3164)	510.710	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.585	am	(P-3164)	510.720	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.590	am	(P-3164)	510.730	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.595	am	(P-3164)	510.740	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.600	am	(P-3164)	510.750	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.605	am	(P-3164)	510.760	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.610	am	(P-3164)	510.770	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.615	am	(P-3164)	510.780	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.620	am	(P-3164)	510.790	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.625	am	(P-3164)	510.800	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.630	am	(P-3164)	510.810	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.635	am	(P-3164)	510.820	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.640	am	(P-3164)	510.830	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.645	am	(P-3164)	510.840	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.650	am	(P-3164)	510.850	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.655	am	(P-3164)	510.860	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.660	am	(P-3164)	510.870	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.665	am	(P-3164)	510.880	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.670	am	(P-3164)	510.890	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.675	am	(P-3164)	510.900	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.680	am	(P-3164)	510.910	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.685	am	(P-3164)	510.920	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.690	am	(P-3164)	510.930	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.695	am	(P-3164)	510.940	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.700	am	(P-3164)	510.950	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.705	am	(P-3164)	510.960	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.710	am	(P-3164)	510.970	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.715	am	(P-3164)	510.980	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.720	am	(P-3164)	510.990	am	(P-15790/93.A-2084)	570.40	am	(P-3853)
270.725	am	(P-3164)	510.100	am	(P-15790/93.A-2084)	570.50	am	(P-3853)
270.730	am	(P-3164)	510.110	am	(P-15790/93.A-2084)	570.60	am	(P-3853)
270.735	am	(P-3164)	510.120	am	(P-15790/93.A-2084)	570.70	am	(P-3853)
270.740	am	(P-3164)	510.130	am	(P-15790/93.A-2084)	570.80	am	(P-3853)
270.745	am	(P-3164)	510.140	am	(P-15790/93.A-2084)	570.90	am	(P-3853)
270.750	am	(P-3164)	510.150	am	(P-15790/93.A-2084)	570.10	am	(P-3853)
270.755	am	(P-3164)	510.160	am	(P-15790/93.A-2084)	570.20	am	(P-3853)
270.760	am	(P-3164)	510.170	am	(P-15790/93.A-2084)	570.30	am	(P-3853)
270.765	am	(P-3164)	510.180	am				

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341.145	am	(P-1383/93.A-4196)	405.120	n	(P-3326)	184.101	n	(P-4)
341.150	am	(P-1383/93.A-4196)	405.130	n	(P-3326)	184.102	n	(P-4)
341.160	am	(P-1383/93.A-4196)	405.140	n	(P-3326)	184.103	n	(P-4)
341.170	am	(P-1383/93.A-4196)	405.150	n	(P-3326)	184.104	n	(P-4)
341.180	am	(P-1383/93.A-4196)	405.Ap.A	n	(P-3326)	184.105	n	(P-4)
341.190	am	(P-1383/93.A-4196)	505.10	n	(P-152/093.A-2317)	184.106	n	(P-4)
341.200	am	(P-1383/93.A-4196)	505.20	n	(P-152/093.A-2317)	184.200	n	(P-4)
341.Ap.A	r	(P-1383/93.A-4196)	505.30	n	(P-152/093.A-2317)	184.201	n	(P-4)
341.Tb.A	r	(P-1383/93.A-4196)	505.40	n	(P-152/093.A-2317)	184.202	n	(P-4)
341.Tb.B	r	(P-1383/93.A-4196)	505.50	n	(P-152/093.A-2317)	184.203	n	(P-4)
341.Tb.C	r	(P-1383/93.A-4196)	505.60	n	(P-152/093.A-2317)	184.204	n	(P-4)
341.Tb.D	r	(P-1383/93.A-4196)	505.70	n	(P-152/093.A-2317)	184.205	n	(P-4)
351.10	am	(P-867/93.A-3344)	505.80	n	(P-152/093.A-2317)	184.206	n	(P-4)
351.25	n	(P-867/93.A-3344)	505.82	n	(P-152/093.A-2317)	184.207	n	(P-4)
351.40	am	(P-867/93.A-3344)	505.84	n	(P-152/093.A-2317)	184.300	n	(P-4)
351.1010	am	(P-867/93.A-3344)	505.86	n	(P-152/093.A-2317)	184.301	n	(P-4)
351.1040	am	(P-867/93.A-3344)	505.90	n	(P-152/093.A-2317)	184.302	n	(P-4)
351.1050	am	(P-867/93.A-3344)	505.100	n	(P-152/093.A-2317)	184.400	n	(P-4)
351.1060	am	(P-867/93.A-3344)	505.110	n	(P-152/093.A-2317)	184.401	n	(P-4)
351.1070	am	(P-867/93.A-3344)	505.120	n	(P-152/093.A-2317)	184.402	n	(P-4)
351.1080	am	(P-867/93.A-3344)	505.130	n	(P-152/093.A-2317)	184.403	n	(P-4)
351.1090	am	(P-867/93.A-3344)	505.140	n	(P-152/093.A-2317)	184.500	n	(P-4)
351.1100	am	(P-867/93.A-3344)	505.150	n	(P-152/093.A-2317)	184.501	n	(P-4)
351.2010	am	(P-867/93.A-3344)	505.160	n	(P-152/093.A-2317)	184.502	n	(P-4)
351.2020	am	(P-867/93.A-3344)	505.170	n	(P-152/093.A-2317)	184.503	n	(P-4)
351.2030	am	(P-867/93.A-3344)	505.180	n	(P-152/093.A-2317)	184.504	n	(P-4)
351.3040	am	(P-867/93.A-3344)	505.190	n	(P-152/093.A-2317)	184.505	n	(P-4)
351.4010	am	(P-867/93.A-3344)	505.1100	n	(P-152/093.A-2317)	184.506	n	(P-4)
351.4020	am	(P-867/93.A-3344)	505.1200	n	(P-152/093.A-2317)	211.070	n	(P-1249/93.A-1253)
351.4030	am	(P-867/93.A-3344)	505.1300	n	(P-152/093.A-2317)	211.2030	n	(P-1249/93.A-1253)
351.4030	am	(P-867/93.A-3344)	505.1400	n	(P-152/093.A-2317)	211.2610	n	(P-1249/93.A-1253)
351.5010	am	(P-867/93.A-3344)	505.1500	n	(P-152/093.A-2317)	211.3950	am	(P-1249/93.A-1253)
360.10	am	(P-3996)	505.1600	n	(P-152/093.A-2317)	211.4050	am	(P-1249/93.A-1253)
360.20	am	(P-3996)	505.1700	n	(P-152/093.A-2317)	211.4830	n	(P-1249/93.A-1253)
360.30	am	(P-3996)	505.1800	n	(P-152/093.A-2317)	211.4850	n	(P-1249/93.A-1253)
360.40	am	(P-3996)	505.1900	n	(P-152/093.A-2317)	211.4930	n	(P-1249/93.A-1253)
360.50	am	(P-3996)	505.2000	n	(P-152/093.A-2317)	211.5380	n	(P-1249/93.A-1253)
360.60	am	(P-3996)	505.2100	n	(P-152/093.A-2317)	211.5530	n	(P-1249/93.A-1253)
360.70	am	(P-3996)	505.2200	n	(P-152/093.A-2317)	211.6110	n	(P-1249/93.A-1253)
360.110	am	(P-3996)	505.2300	n	(P-152/093.A-2317)	211.6170	n	(P-1249/93.A-1253)
360.120	am	(P-3996)	505.2400	n	(P-152/093.A-2317)	211.6250	n	(P-1249/93.A-1253)
360.Ap.A	am	(P-3996)	505.2500	n	(P-152/093.A-2317)	211.6630	n	(P-1249/93.A-1253)
360.Tb.A	am	(P-3996)	505.2600	n	(P-152/093.A-2317)	211.6650	n	(P-1249/93.A-1253)
360.20	am	(P-866/93.A-3143)	505.2700	n	(P-152/093.A-2317)	211.6710	n	(P-1249/93.A-1253)
360.30	am	(P-866/93.A-3143)	505.2800	n	(P-152/093.A-2317)	211.6830	n	(P-1249/93.A-1253)
360.40	am	(P-866/93.A-3143)	505.2900	n	(P-152/093.A-2317)	211.7050	n	(P-1249/93.A-1253)
360.50	am	(P-866/93.A-3143)	505.3000	n	(P-152/093.A-2317)	212.113	am	(P-367)
360.60	am	(P-866/93.A-3143)	505.3100	n	(P-152/093.A-2317)	212.200	n	(P-367)
360.70	am	(P-866/93.A-3143)	505.3200	n	(P-152/093.A-2317)	212.201	n	(P-367)
360.80	am	(P-866/93.A-3143)	505.3300	n	(P-152/093.A-2317)	212.202	n	(P-367)
360.90	am	(P-866/93.A-3143)	505.3400	n	(P-152/093.A-2317)	212.203	n	(P-367)
400.110	am	(P-865/93.A-3132)	106.911	n	(P-1355/93.A-4230)	212.704	n	(P-367)
400.120	am	(P-865/93.A-3132)	106.912	n	(P-1355/93.A-4230)	212.705	n	(P-367)
400.130	am	(P-865/93.A-3132)	106.913	n	(P-1355/93.A-4230)	212.706	n	(P-367)
400.140	am	(P-865/93.A-3132)	106.914	n	(P-1355/93.A-4230)	218.106	am	(P-1249/93.A-1945)
400.150	am	(P-865/93.A-3132)	106.915	n	(P-1355/93.A-4230)	218.108	am	(P-1249/93.A-1945)
400.160	am	(P-865/93.A-3132)	106.916	n	(P-1355/93.A-4230)	218.112	am	(P-1249/93.A-1945)
400.170	am	(P-865/93.A-3132)	106.917	n	(P-1355/93.A-4230)	218.114	n	(P-1249/93.A-1945)
400.180	am	(P-865/93.A-3132)	106.918	n	(P-1355/93.A-4230)	218.116	n	(P-1249/93.A-1945)
400.190	am	(P-865/93.A-3132)	106.919	n	(P-1355/93.A-4230)	218.402	am	(P-1249/93.A-1945)
400.200	am	(P-865/93.A-3132)	106.920	n	(P-1355/93.A-4230)	218.502	am	(P-1249/93.A-1945)
400.210	am	(P-865/93.A-3132)	106.921	n	(P-1355/93.A-4230)	218.600	am	(P-1249/93.A-1945)
400.220	am	(P-865/93.A-3132)	106.922	n	(P-1355/93.A-4230)	218.620	am	(P-1249/93.A-1945)
400.230	am	(P-865/93.A-3132)	106.923	n	(P-1355/93.A-4230)	218.621	am	(P-1249/93.A-1945)
400.240	am	(P-865/93.A-3132)	106.924	n	(P-1355/93.A-4230)	218.622	am	(P-1249/93.A-1945)
400.250	am	(P-865/93.A-3132)	106.925	n	(P-1355/93.A-4230)	218.623	am	(P-1249/93.A-1945)
400.260	am	(P-865/93.A-3132)	106.926	n	(P-1355/93.A-4230)	218.624	am	(P-1249/93.A-1945)
400.270	am	(P-865/93.A-3132)	106.927	n	(P-1355/93.A-4230)	218.625	am	(P-1249/93.A-1945)
400.280	am	(P-865/93.A-3132)	106.928	n	(P-1355/93.A-4230)	218.626	am	(P-1249/93.A-1945)
400.290	am	(P-865/93.A-3132)	106.929	n	(P-1355/93.A-4230)	218.627	am	(P-1249/93.A-1945)
400.300	am	(P-865/93.A-3132)	106.930	n	(P-1355/93.A-4230)	218.628	am	(P-1249/93.A-1945)
400.310	am	(P-865/93.A-3132)	106.931	n	(P-1355/93.A-4230)	218.629	am	(P-1249/93.A-1945)
400.320	am	(P-865/93.A-3132)	106.932	n	(P-1355/93.A-4230)	218.630	am	(P-1249/93.A-1945)
400.330	am	(P-865/93.A-3132)	106.933	n	(P-1355/93.A-4230)	218.631	am	(P-1249/93.A-1945)
400.340	am	(P-865/93.A-3132)	106.934	n	(P-1355/93.A-4230)	218.632	am	(P-1249/93.A-1945)
400.350	am	(P-865/93.A-3132)	106.935	n	(P-1355/93.A-4230)	218.633	am	(P-1249/93.A-1945)
400.360	am	(P-865/93.A-3132)	106.936	n	(P-1355/93.A-4230)	218.634	am	(P-1249/93.A-1945)
400.370	am	(P-865/93.A-3132)	106.937	n	(P-1355/93.A-4230)	218.635	am	(P-1249/93.A-1945)
400.380	am	(P-865/93.A-3132)	106.938	n	(P-1355/93.A-4230)	218.636	am	(P-1249/93.A-1945)
400.390	am	(P-865/93.A-3132)	106.939	n	(P-1355/93.A-4230)	218.637	am	(P-1249/93.A-1945)
400.400	am	(P-865/93.A-3132)	106.940	n	(P-1355/93.A-4230)	218.638	am	(P-1249/93.A-1945)
400.410	am	(P-865/93.A-3132)	106.941	n	(P-1355/93.A-4230)	218.639	am	(P-1249/93.A-1945)
400.420	am	(P-865/93.A-3132)	106.942	n	(P-1355/93.A-4230)	218.640	am	(P-1249/93.A-1945)
400.430	am	(P-865/93.A-3132)	106.943	n	(P-1355/93.A-4230)	218.641	am	(P-1249/93.A-1945)
400.440	am	(P-865/93.A-3132)	106.944	n	(P-1355/93.A-4230)	218.642	am	(P-1249/93.A-1945)
400.450	am	(P-865/93.A-3132)	106.945	n	(P-1355/93.A-4230)	218.643	am	(P-1249/93.A-1945)
400.460	am	(P-865/93.A-3132)	106.946	n	(P-1355/93.A-4230)	218.644	am	(P-1249/93.A-1945)
400.470	am	(P-865/93.A-3132)	106.947	n	(P-1355/93.A-4230)	218.645	am	(P-1249/93.A-1945)
400.480	am	(P-865/93.A-3132)	106.948	n	(P-1355/93.A-4230)	218.646	am	(P-1249/93.A-1945)
400.490	am	(P-865/93.A-3132)	106.949	n	(P-1355/93.A-4230)	218.647	am	(P-1249/93.A-1945)
400.500	am	(P-865/93.A-3132)	106.950	n	(P-1355/93.A-4230)	218.648	am	(P-1249/93.A-1945)
400.510	am	(P-865/93.A-3132)	106.951	n	(P-1355/93.A-4230)	218.649	am	(P-1249/93.A-1945)
400.520	am	(P-865/93.A-3132)	106.952	n	(P-1355/93.A-4230)	218.650	am	(P-1249/93.A-1945)
400.530	am	(P-865/93.A-3132)	106.953	n	(P-1355/93.A-4230)	218.651	am	(P-1249/93.A-1945)
400.540	am	(P-865/93.A-3132)	106.954	n	(P-1355/93.A-4230)	218.652	am	(P-1249/93.A-1945)
400.550	am	(P-865/93.A-3132)	106.955	n	(P-1355/93.A-4230)	218.653	am	(P-1249/93.A-1945)
400.560	am	(P-865/93.A-3132)	106.956	n	(P-1355/93.A-4230)	218.654	am	(P-1249/93.A-1945)
400.570	am	(P-865/93.A-3132)	106.957	n	(P-1355/93.A-4230)	218.655	am	(P-1249/93.A-1945)
400.580	am	(P-865/93.A-3132)	106.958	n	(P-1355/93.A-4230)	218.656	am	(P-1249/93.A-1945)
400.590	am	(P-865/93.A-3132)	106.959	n	(P-1355/93.A-4230)	218.657	am	(P-1249/93.A-1945)
400.600	am	(P-865/93.A-3132)	106.960	n	(P-1355/93.A-4230)	218.658	am	(P-1249/93.A-1945)
400.610	am	(P-865/93.A-3132)	106.961	n	(P-1355/93.A-4230)	218.659	am	(P-1249/93.A-1945)
400.620	am	(P-865/93.A-3132)	106.962	n	(P-1355/93.A-4230)	218.660	am	(P-1249/93.A-1945)
400.630	am	(P-865/93.A-3132)	106.963	n	(P-1355/93.A-4230)	218.661	am	(P-1249/93.A-1945)
400.640	am	(P-865/93.A-3132)	106.964	n	(P-1355/93.A-4230)	218.662	am	(P-1249/93.A-1945)
400.650	am	(P-865/93.A-3132)	106.965	n	(P-1355/93.A-4230)	218.663	am	(P-1249/93.A-1945)
400.660	am	(P-865/93.A-3132)	106.966	n	(P-1355/93.A-4230)	218.664	am	(P-1249/93.A-1945)
400.670	am	(P-865/93.A-3132)	106.967	n	(P-1355/93.A-4230)	218.665	am	(P-1249/93.A-1945)
400.680	am	(P-865/93.A-3132)	106.968	n	(P-1355/93.A-4230)	218.666	am	(P-1249/93.A-1945)
400.690	am	(P-865/93.A-3132)	106.969	n	(P-1355/93.A-4230)	218.667	am	(P-1249/93.A-1945)

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218.670	n	(P-12491/93A-1945)	739.158	am	(P-455)			(C-4434)	
218.671	n	(P-12491/93A-1945)	739.160	am	(P-455)	811.711	am	(C-4434)	(P-8726/93A-1308)
218.680	n	(P-12491/93A-1945)	739.162	am	(P-455)			(C-4434)	
218.686	n	(P-12491/93A-1945)	739.164	am	(P-455)	811.712	am	(C-4434)	(P-8726/93A-1308)
218.688	n	(P-12491/93A-1945)	739.165	am	(P-455)			(C-4434)	
218.690	n	(P-12491/93A-1945)	739.170	am	(P-455)	811.713	am	(C-4434)	(P-8726/93A-1308)
218.692	n	(P-12491/93A-1945)	739.171	am	(P-455)			(C-4434)	
218.920	am	(P-12491/93A-1945)	739.172	am	(P-455)	811.714	am	(C-4434)	(P-8726/93A-1308)
218.923	am	(P-12491/93A-1945)	739.173	am	(P-455)			(C-4434)	
218.940	am	(P-12491/93A-1945)	739.174	am	(P-455)	811.715	am	(C-4434)	(P-8726/93A-1308)
218.942	am	(P-12491/93A-1945)	810.103	am	(P-8702/93A-1268)			(C-4434)	
218.943	am	(P-12491/93A-1945)	810.104	am	(P-8702/93A-1268)	811.Ap.A	am	(C-4434)	(P-8726/93A-1308)
218.946	am	(P-12491/93A-1945)	811.101	am	(P-8726/93A-1308)	II.A			
218.960	n	(P-12491/93A-1945)	811.960	am	(C-4434)				
218.963	r	(P-12491/93A-1945)	811.107	am	(P-8726/93A-1308)				
218.966	am	(P-12491/93A-1945)			(C-4434)	II.C	am		(P-8726/93A-1308)
218.980	am	(P-12491/93A-1945)	811.110	am	(P-8726/93A-1308)	II.D	am		(P-8726/93A-1308)
218.986	am	(P-12491/93A-1945)	811.111	am	(C-4434)				
218.991	am	(P-12491/93A-1945)	811.112	n	(P-8726/93A-1308)	II.E	am		(P-8726/93A-1308)
218.986	r	(P-8295/93A-4242)	811.112	n	(P-8726/93A-1308)				
303.400	n	(P-12491/93A-2881)	811.302	am	(C-4434)	811.Ap.B	am		(P-8726/93A-1308)
304.213	am	(P-15223/93A-2671)			(P-8726/93A-1308)				
304.303	n	(P-2560)	811.303	am	(C-4434)	813.106	am		(P-16920/93A-2409)
389.10	n	(P-2552)			(P-8726/93A-1308)				(EC-3018)
389.20	n	(P-2552)	811.309	am	(C-4434)	814.101	am		(P-8714/93A-1284)
389.30	n	(P-2552)			(P-8726/93A-1308)	814.102	am		(P-8714/93A-1284)
389.40	n	(P-2552)	811.310	am	(C-4434)	814.103	am		(P-8714/93A-1284)
389.50	n	(P-2552)			(P-8726/93A-1308)	814.104	am		(P-8714/93A-1284)
389.60	n	(P-2552)	811.311	am	(EC-3021/C-4434)	814.105	am		(P-8714/93A-1284)
389.70	n	(P-2552)			(P-8726/93A-1308)	814.107	n		(P-8714/93A-1284)
389.80	n	(P-2552)	811.312	am	(C-4434)	814.108	n		(P-8714/93A-1284)
389.90	n	(P-2552)			(P-8726/93A-1308)	814.109	n		(P-8714/93A-1284)
389.130	n	(P-2552)	811.314	am	(P-8726/93A-1308)	814.302	am		(P-8714/93A-1284)
					(C-4434)	814.402	am		(P-8714/93A-1284)
389.140	n	(P-2552)	811.318	am	(C-4434)	814.501	am		(P-8714/93A-1284)
389.140	n	(P-406)			(C-4434)	814.501	am		(P-8714/93A-1284)
702.110	am	(P-418)	811.319	am	(P-8726/93A-1308)	814.Ap.A	n		(P-8714/93A-1284)
702.110	am	(P-337)			(C-4434)				
721.104	am	(P-357)	811.320	am	(P-8726/93A-1308)				
721.105	am	(P-357)			(C-4434)	TITLE 41			
724.101	am	(P-439)	811.323	am	(P-8726/93A-1308)	200.5	am		(P-22)
724.103	am	(P-439)			(C-4434)	200.10	am		(P-22)
724.201	am	(P-439)	811.324	n	(P-8726/93A-1308)	200.20	am		(P-22)
724.201	am	(P-439)			(C-4434)	200.30	am		(P-22)
724.652	n	(P-439)	811.325	n	(P-8726/93A-1308)	200.40	am		(P-22)
725.101	am	(P-377)			(C-4434)	200.60	am		(P-22)
728.102	am	(P-388)	811.326	n	(P-8726/93A-1308)	200.70	am		(P-22)
728.109	am	(P-388)			(C-4434)	200.100	am		(P-22)
728.135	am	(P-388)	811.700	am	(P-8726/93A-1308)	200.20	am		(P-22)
739.100	am	(P-455)			(C-4434)	200.160	r		(P-22)
739.110	am	(P-455)	811.701	am	(P-8726/93A-1308)	200.170	r		(P-22)
739.111	am	(P-455)			(C-4434)	200.180	r		(P-22)
739.112	am	(P-455)	811.702	am	(P-8726/93A-1308)	200.200	r		(P-22)
739.121	am	(P-455)			(C-4434)	200.230	r		(P-22)
739.122	am	(P-455)	811.703	am	(P-8726/93A-1308)	200.240	r		(P-22)
739.123	am	(P-455)			(C-4434)	200.250	r		(P-22)
739.124	am	(P-455)	811.704	am	(P-8726/93A-1308)	200.260	r		(P-22)
739.140	am	(P-455)			(C-4434)	200.270	r		(P-22)
739.141	am	(P-455)	811.705	am	(P-8726/93A-1308)	200.280	r		(P-22)
739.142	am	(P-455)			(C-4434)	200.290	r		(P-22)
739.143	am	(P-455)	811.706	am	(P-8726/93A-1308)	200.300	r		(P-22)
739.145	am	(P-455)			(C-4434)	200.310	r		(P-22)
739.146	am	(P-455)	811.707	am	(P-8726/93A-1308)	200.320	r		(P-22)
739.151	am	(P-455)			(C-4434)	200.330	r		(P-22)
739.152	am	(P-455)	811.708	am	(P-8726/93A-1308)	200.340	am		(P-22)
739.154	am	(P-455)			(C-4434)				
739.156	am	(P-455)	811.709	am	(P-8726/93A-1308)				

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Title	89, cont.)	am	1060.60	(P.142)	(P.8635/93.A.1927)
688.40	am	(P.4093)	1060.70	(P.142)	(P.8635/93.A.1927)
688.80	am	(P.4093)	1060.80	(P.142)	(P.8635/93.A.1927)
1200.30	am	(P.7780/93.A.2104)	1060.90	(P.142)	(P.8635/93.A.1927)
1200.50	am	(P.7780/93.A.2104)	1061.00	(P.142)	(P.8635/93.A.1927)
1200.70	am	(P.7780/93.A.2104)	1061.10	(P.142)	(P.8635/93.A.1927)
1200.90	am	(P.7780/93.A.2104)	1061.20	(P.142)	(P.8635/93.A.1927)
1200.A	am	(P.7780/93.A.2104)	1061.30	(P.142)	(P.8635/93.A.1927)
1200.B	am	(P.7780/93.A.2104)	1061.40	(P.142)	(P.8635/93.A.1927)
1200.C	am	(P.7780/93.A.2104)	1061.50	(P.142)	(P.8635/93.A.1927)
1200.D	am	(P.7780/93.A.2104)	1061.60	(P.142)	(P.8635/93.A.1927)
1200.E	am	(P.7780/93.A.2104)	1061.70	(P.142)	(P.8635/93.A.1927)
1200.F	am	(P.7780/93.A.2104)	1061.80	(P.142)	(P.8635/93.A.1927)
1200.G	am	(P.7780/93.A.2104)	1061.90	(P.142)	(P.8635/93.A.1927)
1200.H	am	(P.7780/93.A.2104)	1062.00	(P.142)	(P.8635/93.A.1927)
1200.I	am	(P.7780/93.A.2104)	1062.10	(P.142)	(P.8635/93.A.1927)
1200.J	am	(P.7780/93.A.2104)	1062.20	(P.142)	(P.8635/93.A.1927)
1200.K	am	(P.7780/93.A.2104)	1062.30	(P.142)	(P.8635/93.A.1927)
1200.L	am	(P.7780/93.A.2104)	1062.40	(P.142)	(P.8635/93.A.1927)
1200.M	am	(P.7780/93.A.2104)	1062.50	(P.142)	(P.8635/93.A.1927)
1200.N	am	(P.7780/93.A.2104)	1062.60	(P.142)	(P.8635/93.A.1927)
1200.O	am	(P.7780/93.A.2104)	1062.70	(P.142)	(P.8635/93.A.1927)
1200.P	am	(P.7780/93.A.2104)	1062.80	(P.142)	(P.8635/93.A.1927)
1200.Q	am	(P.7780/93.A.2104)	1062.90	(P.142)	(P.8635/93.A.1927)
1200.R	am	(P.7780/93.A.2104)	1063.00	(P.142)	(P.8635/93.A.1927)
1200.S	am	(P.7780/93.A.2104)	1063.10	(P.142)	(P.8635/93.A.1927)
1200.T	am	(P.7780/93.A.2104)	1063.20	(P.142)	(P.8635/93.A.1927)
1200.U	am	(P.7780/93.A.2104)	1063.30	(P.142)	(P.8635/93.A.1927)
1200.V	am	(P.7780/93.A.2104)	1063.40	(P.142)	(P.8635/93.A.1927)
1200.W	am	(P.7780/93.A.2104)	1063.50	(P.142)	(P.8635/93.A.1927)
1200.X	am	(P.7780/93.A.2104)	1063.60	(P.142)	(P.8635/93.A.1927)
1200.Y	am	(P.7780/93.A.2104)	1063.70	(P.142)	(P.8635/93.A.1927)
1200.Z	am	(P.7780/93.A.2104)	1063.80	(P.142)	(P.8635/93.A.1927)
1200.AA	am	(P.7780/93.A.2104)	1063.90	(P.142)	(P.8635/93.A.1927)
1200.AB	am	(P.7780/93.A.2104)	1064.00	(P.142)	(P.8635/93.A.1927)
1200.AC	am	(P.7780/93.A.2104)	1064.10	(P.142)	(P.8635/93.A.1927)
1200.AD	am	(P.7780/93.A.2104)	1064.20	(P.142)	(P.8635/93.A.1927)
1200.AE	am	(P.7780/93.A.2104)	1064.30	(P.142)	(P.8635/93.A.1927)
1200.AF	am	(P.7780/93.A.2104)	1064.40	(P.142)	(P.8635/93.A.1927)
1200.AG	am	(P.7780/93.A.2104)	1064.50	(P.142)	(P.8635/93.A.1927)
1200.AH	am	(P.7780/93.A.2104)	1064.60	(P.142)	(P.8635/93.A.1927)
1200.AI	am	(P.7780/93.A.2104)	1064.70	(P.142)	(P.8635/93.A.1927)
1200.AJ	am	(P.7780/93.A.2104)	1064.80	(P.142)	(P.8635/93.A.1927)
1200.AK	am	(P.7780/93.A.2104)	1064.90	(P.142)	(P.8635/93.A.1927)
1200.AL	am	(P.7780/93.A.2104)	1065.00	(P.142)	(P.8635/93.A.1927)

ANALYSIS

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(1992 Code)	(Quantity)	(1993 Supplement)	(Quantity)
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000001	1	000001	1
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